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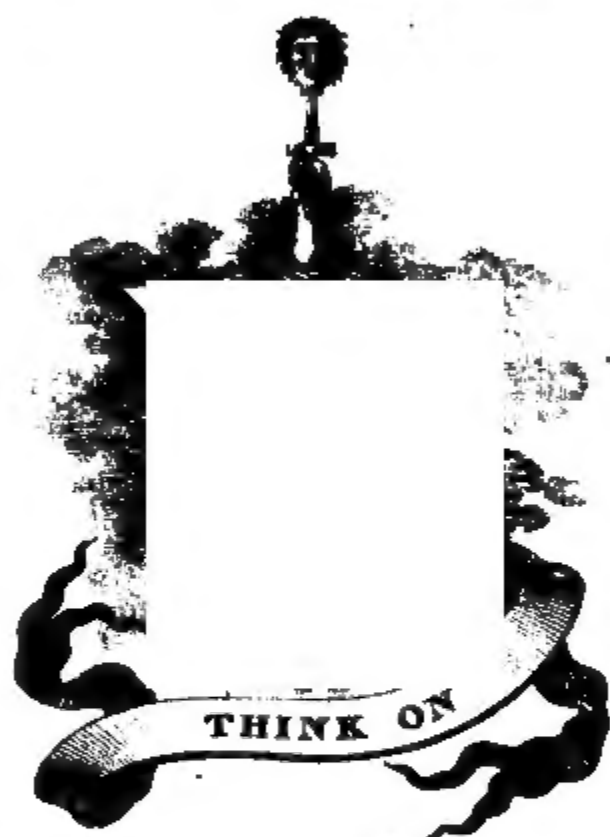
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Baron M. de Meville.

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1802

HISTORY

OF

GREAT BRITAIN,

FROM

THE REVOLUTION

TO THE

ACCESSION OF THE HOUSE OF HANOVER.

BY *W. Belsham* BELSHAM.

Ac mihi quidem videntur huc omnia esse referenda ab iis qui præsunt aliis, ut ii qui eorum, in imperio erunt, sint quam beatissimi. CICERO.

Beneficio quam metu obligare homines malit; exterarumque gentes fide ac societate junctas habere quam tristi subiectas servitio. LIV. lib. 26.

DUBLIN:

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P R E F A C E.

THE Volumes of this History subsequent to the Brunswic accession, now arrived, through the unexpected favor of the Public, at a third and enlarged edition, have by Censors, to whose judgment respect is due, been objected against as “deficient in authorities.” To this accusation it is obvious to answer, that nothing would have been easier than to fill the margin and a great part of every page with historical references and citations. But this parade of authorities would too evidently have swelled the size without adding to the value of the work; for the author pretended not to the merit of making new discoveries. The events and occurrences contained in the history were never disputed; why then ostentatiously labor to establish what no one was disposed to controvert? If any thing can be considered as *novel* in the history of the two elder monarchs of the Brunswic line, it is the frequent and positive assertion that Bremen, Verden, and Mecklenburg were the true springs of the foreign or continental politics of the court of London for almost twenty years. This is not indeed confirmed by marginal references, but by a statement of known and acknowledged facts, combined with original documents, blended and consolidated with the narrative, so as to enforce conviction on the most stubborn incredulity. If the

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evidence

evidence actually adduced could be supposed insufficient, proofs without number still remain to be added.

With regard to the present reign, whatever appears remote from general knowledge, is related on the authority of persons the disclosure of whose names, however flattering to the pride of the writer, would be highly and manifestly improper. In this respect therefore, the history must be considered as an original work, the credit due to which must depend, at least for a time, upon the general reputation of the Author; who has inserted nothing but what he had the best reason to rely upon as authentic. In that part of the history which he conceived most liable to animadversion—the affairs of India—as in the case of Bremen and Verden—he did not content himself with bare references, but he has corroborated his narrative by more than an hundred quotations from original authorities, in little more than as many pages—thus willingly sacrificing elegance to exactness.

In relation to the present volumes, it must suffice to say that the Author has deviated little, if at all, from his original plan. Where he has varied from the earlier histories, he has not merely referred to but quoted his authorities; which are chiefly Sir John Dalrymple and Mr. Macpherson; to whom the public owe great obligation for their interesting and important communications. Ralph is a vast storehouse of historic information; and his minute and laudable accuracy as an annalist, makes ample compensation for his literary defects, his captious comments, and perverse paradoxes. Bishop Burnet is, for the most part, highly entertaining, notwithstanding his vanity, his negligence, his credulity, and his prejudices. Placed in the midst of the scenes which he delineates with a rough, not a feeble, pencil, he has evidently no reserves or disguise:

guise : and though his authority is very slender, unsupported by any concurrent testimony, yet is his history such as every succeeding writer with caution may greatly avail himself of. Tindal, an obsequious whig devoted to the politics of the court, contains very valuable materials, although thrown together in a sort of chaotic mass at once unanimated and unenlightened. Smollet had unquestionably talents, but his genius was entirely turned to the low and the ludicrous. Of the dignity and beauty of historic composition he had no conception ; and much less could he boast of possessing any portion of its all-pervading and philosophic spirit. His work is a dull and often malignant compilation, equally destitute of instruction or of amusement. The parliamentary debates and journals supplied an inexhaustible fund of matter ; and the state-papers of Cole, Hardwick, Lamberti, &c. have been consulted with much advantage. A multitude of inferior, but by no means unimportant, publications have also been perused with no little care and assiduity ; such as the *Memoirs* of the duke of Berwick, of the marquis de Feuquieres, M. de Torcy, M. de Villars, M. Mesnager, Lediard's life of the duke of Marlborough, duchess of Marlborough's narrative, colonel Hook's negotiations in Scotland, lord Balcarris's letter to king James, &c. &c. and numerous quotations made from them, as will appear in the course of the work. If after this the present history be still censured as "deficient in authorities," the Author will silently and patiently await the public award ; not being apprehensive that any of the facts recorded in it are likely even to be questioned, and much less liable to be refuted.

CONTENTS.

INTRODUCTION.

	Page
<i>CHARACTER of King Charles II.</i>	ii
<i>His discreet Appointment of Ministers</i>	iii
<i>Character of the Earl of Clarendon</i>	ib.
<i>Change of Measures</i>	iv
<i>Act of Uniformity</i>	ib.
<i>Marriage of the King</i>	vi
<i>Sale of Dunkirk</i>	vii
<i>First Declaration of Indulgence</i>	ib.
<i>First Dutch War</i>	viii
<i>Disgrace of the Earl of Clarendon</i>	ib.
<i>Triple Alliance</i>	ix
<i>Cabal Administration</i>	ib.
<i>King becomes a Catholic</i>	x
<i>Projects of the Cabal</i>	xi
<i>Second Declaration of Indulgence</i>	xii
<i>Second Dutch War</i>	ib.
<i>Earl of Shaftesbury joins the Opposition</i>	xiii
<i>Test Act passed</i>	ib.
<i>Spirited Conduct of the Commons</i>	xiv
<i>Peace with Holland</i>	ib.
<i>Insidious Policy of the Court</i>	xv
<i>Secret Intrigues of the Patriots</i>	xvi
<i>State of the Nation</i>	xvii
<i>Popish Plot</i>	xviii
<i>Impeachment of the Lord Treasurer Danby</i>	xx
<i>New Parliament—Bill of Exclusion</i>	xx-xxi
<i>Habeas Corpus Act passed</i>	xxii
<i>Duke of York presented as a Popish Recusant</i>	xxiii
<i>New Parliament—Bill of Exclusion revived</i>	xxiv
<i>Oxford Parliament convened</i>	xxv
<i>Triumph</i>	

CONTENTS.

vli

	Page
<i>Triumph of the Court</i>	xxv
<i>Death of the King</i>	xxvi
<i>Accession of King James II.</i>	ib.
<i>Arbitrary Measures of the Court</i>	xxviii
<i>Embassy to Rome</i>	ib.
<i>Meeting of Parliament</i>	xxx
<i>Abject Complaisance of the Commons</i>	ib.
<i>Rebellion of Monmouth</i>	xxxi
<i>Barbarities of Jeffries</i>	xxxiii
<i>Dissolution of the Parliament</i>	xxxv
<i>Character of the Earl of Sunderland</i>	xxxvi
<i>King's dispensing Power confirmed</i>	ib.
<i>Artifices of the Court to gain the Dissenters</i>	xxxvii
<i>Affairs of Scotland</i>	xl
<i>And of Ireland</i>	ib.
<i>New Court of Ecclesiastical Commission</i>	xlii
<i>Bishop of London suspended</i>	ib.
<i>The Chancellor of Cambridge ejected from his Office</i>	xliii
<i>President and Fellows of Magdalen College expelled</i>	xliv
<i>Declaration of Indulgence</i>	xlv
<i>Seven Bishops committed to the Tower</i>	ib.
<i>Obstinacy and Infatuation of the King</i>	xlvii
<i>Earl of Castlemaine's Embassy to Rome</i>	xlviii
<i>Prudent Conduct of the Prince and Princess of Orange</i>	l
<i>Birth of the Prince of Wales</i>	ib.
<i>Duplicity of Sunderland</i>	li
<i>State of Europe</i>	lii
<i>Projects of the Prince of Orange</i>	ib.
<i>Terrors of the King</i>	liii
<i>Prince of Orange lands at Torbay</i>	liv
<i>King leaves Whitehall</i>	lv
<i>The Throne declared vacant</i>	lvii
<i>Prince and Princess of Orange declared King and Queen of England</i>	ib.

B O O K I.

<i>ILLUSTRIOUS Character of King William</i>	2
<i>State of political Opinions</i>	3
<i>Appointment of the new Ministry</i>	6
<i>Convention converted into a Parliament</i>	9
<i>Oaths of Allegiance, &c. refused by eight Bishops</i>	11
<i>Cabals of the Non-jurors</i>	12
<i>Proceedings of Parliament</i>	ib.
	<i>Bill</i>

	Page
<i>Bill of Rights</i>	14
— <i>Indemnity</i>	15
<i>Act of Toleration</i>	18
<i>Bill of Comprehension</i>	20
<i>Proceedings of the Convocation</i>	22
<i>Affairs of Scotland</i>	24
<i>Crown of Scotland declared forfeited</i>	25
— — — — — <i>conferred on King William</i>	26
<i>Exploits of Viscount Dundee</i>	27
<i>Highlanders described</i>	ib.
<i>State of Europe</i>	31
<i>League of Augsbourg</i>	32
<i>War declared against France</i>	34
<i>Generous Reception of King James by Louis XIV.</i>	ib.
<i>Invasion of Ireland by the French</i>	ib.
<i>Treachery of Tyrconnel</i>	35
<i>King James makes his Entry into Dublin</i>	36
<i>Battle of Bantry Bay</i>	37
<i>Pretended Parliament of Ireland convened</i>	ib.
<i>Act of Settlement repealed</i>	ib.
<i>Memorable Resistance of Londonderry</i>	41
<i>Unprosperous Campaign under M. Schomberg</i>	43
<i>Session of Parliament in England</i>	45
<i>Corporation Bill</i>	46
<i>Parliament dissolved</i>	47
<i>Proclamation against General Ludlow</i>	ib.
<i>Meeting of the New Parliament</i>	48
<i>Conflict of Parties</i>	49
<i>Act of Grace</i>	52
<i>Triumph of Tories</i>	ib.
<i>King embarks for Ireland</i>	53
<i>Victory of the Boyne</i>	ib.
<i>King James abandons Ireland</i>	56
<i>Successes of King William</i>	ib.
<i>Siege of Athlone raised</i>	58
— — — — — <i>Limerick raised</i>	59
<i>King returns to England</i>	ib.
<i>Earl of Marlborough captures Cork and Kinsale</i>	ib.
<i>Command devolves on General Ginckel</i>	60
<i>Athlone taken</i>	62
<i>Victory of Aghrim</i>	63
<i>Capitulation of Limerick</i>	66
<i>Queen constituted Regent</i>	ib.
<i>Her</i>	

CONTENTS.

ix

	Page
<i>Her amiable Character and discreet Conduct</i>	67
<i>Naval Defeat off Beachy-head</i>	68
<i>Session of Parliament</i>	71
<i>Lord Godolphin appointed First Commissioner of the Treasury</i>	72
<i>His Character</i>	ib.
<i>King embarks for the Continent</i>	ib.
<i>In Danger of Shipwreck</i>	73
<i>Congress at the Hague</i>	74
<i>Conspiracy against the Government</i>	75
<i>Execution of Ashton</i>	77
<i>Deprivation of the Non-juring Bishops</i>	78
<i>Campaign in Flanders, &c. 1691</i>	ib.
<i>Character of the Emperor Leopold</i>	79
<i>Death of Pope Innocent XI.</i>	82
<i>Session of Parliament</i>	89
<i>Unpopularity of the King</i>	90
<i>Affairs of the East India Company</i>	ib.
<i>Disgrace of the Earl of Marlborough</i>	95
<i>Intrigues carried on with the Court of St. Germaine's Prince and Princess of Denmark cease to appear at St. James's</i>	ib.
	97

BOOK II.

<i>KING embarks for Holland</i>	99
<i>Namur captured by the French</i>	ib.
<i>Battle of Steinkirk</i>	101
<i>Grandval's Plot</i>	103
<i>Campaign on the Rhine, &c. 1692</i>	104
<i>Hanover erected into a ninth Electorate</i>	105
<i>Machinations of the Jacobites</i>	106
<i>Victory off La Hogue</i>	108
<i>Session of Parliament</i>	111
<i>Earl of Marlborough released from the Tower</i>	112
<i>Dismission of Admiral Russel</i>	113
<i>Affairs of the East India Company</i>	ib.
<i>Royal Assent refused to the Triennial Bill</i>	114
<i>Enquiry into the State of Ireland</i>	ib.
<i>Sir John Somers made Lord-Keeper</i>	119
<i>Battle of Landen</i>	121
<i>Charleroy taken by M. Luxemburgh</i>	122
<i>Campaign on the Rhine, &c. 1693</i>	123
<i>Sack of Heidelberg</i>	ib.
	Battle

	Page
<i>Battle of Marfiglia</i>	124
<i>Smyrna Fleet captured</i>	125
<i>Affairs of Scotland</i>	126
<i>Massacre of Glencoe</i>	140
<i>Remarkable Declaration of King James</i>	148
<i>Intrigues of the Court of St. Germaine's</i>	149
<i>Earl of Nottingham dismissed</i>	150
<i>—— Sunderland in favour with the King</i>	ib.
<i>Death of the Marquis of Halifax</i>	151
<i>Whigs regain their Ascendency</i>	ib.
<i>Pacific Advances of France rejected</i>	153
<i>Royal Assent refused to the Place Bill</i>	154
<i>Bank of England established</i>	155
<i>Affairs of the East India Company</i>	156
<i>State of Ireland</i>	ib.
<i>The Lords Justices Coningsby and Porter impeached</i>	157
<i>Mr. Montague Chancellor of the Exchequer</i>	158
<i>Campaign in Flanders, &c. 1694</i>	159
<i>Admiral Wheeler shipwrecked</i>	162
<i>Disastrous Attempt on Brest</i>	ib.
<i>Session of Parliament</i>	166
<i>Triennial Act passed</i>	ib.
<i>Death of Archbishop Tillotson</i>	ib.
<i>—— Sancroft</i>	ib.
<i>Illness and Death of the Queen</i>	167
<i>Princess of Denmark reconciled to the King</i>	168
<i>Speaker of the House of Commons expelled the House</i>	170
<i>Duke of Leeds impeached for Malversation in Office</i>	171
<i>Sir William Trumbull made Secretary of State</i>	175
<i>Affairs of Scotland</i>	ib.
<i>India Company established</i>	ib.
<i>State of Ireland</i>	177
<i>Wise Government of Lord Capel</i>	ib.

B O O K III.

<i>DEATH of the Duc de Luxemburg</i>	180
<i>Campaign in Flanders, 1695</i>	ib.
<i>Namur captured by King William</i>	ib.
<i>Campaign on the Rhine, &c.</i>	185
<i>Parliament dissolved</i>	188
<i>Whig Interest obtains the Ascendency</i>	ib.
<i>Treason Bill</i>	189
<i>Recoinage of Silver</i>	190
	<i>Extravagant</i>

CONTENTS.

xi

	Page
<i>Extravagant Grant to the Earl of Portland</i>	191
<i>Remonstrance against the Scottish India Company</i>	194
<i>Dangerous. Project for the Establishment of a Council of Trade</i>	196
<i>Affassination Plot</i>	197
<i>National Association</i>	200
<i>Execution of. Charnock, Friend, and Perkins</i>	201
<i>Great Naval Exertions</i>	207
<i>Campaign in Flanders, &c. 1696</i>	ib.
<i>Defection of the Duke of Savoy</i>	208
<i>Conquest of Asoph by the Russians</i>	209
<i>State of Affairs in Scotland</i>	211
<i>And in Ireland</i>	ib.
<i>Session of Parliament</i>	ib.
<i>Magnanimous Conduct of the Commons</i>	ib.
<i>Novel Operations of Finance</i>	213
<i>Freedom of the Press in Danger</i>	ib.
<i>Fenwick's Bill of Attainder</i>	214
<i>Arguments for and against it</i>	219
<i>Negotiations relative to Peace</i>	225
<i>Congress opened at Ryswick</i>	ib.
<i>Campaign in Flanders, 1697</i>	226
<i>Barcelona taken by the French</i>	229
<i>Victory over the Turks at Zenta</i>	231
<i>Death of Sobieski</i>	232
<i>Treaty of Ryswick signed</i>	235
<i>Session of Parliament</i>	236
<i>Vote for disbanding the army</i>	237
<i>Resignation of Lord Sunderland</i>	238
<i>Affairs of the East India Company</i>	239
<i>Arbitrary and oppressive Measures respecting Ireland</i>	244
<i>Theological Disputes</i>	246
<i>Impolitic Interference of Parliament</i>	ib.
<i>Advancement of Lord Albemarle</i>	248
<i>Earl of Portland's Embassy to Paris</i>	ib.
<i>Czar of Muscovy visits England</i>	249
<i>Affairs of Scotland</i>	250
<i>Affairs of Ireland</i>	ib.
<i>Projects of the King of England</i>	251
<i>First Treaty of Partition</i>	252
<i>Reflections upon it</i>	254
<i>Peace of Carlowitz</i>	256

BOOK

B O O K IV.

	Page
<i>SESSION of Parliament</i>	257
<i>Declining Popularity of the Whigs</i>	ib.
<i>High Debates respecting the Army</i>	260
<i>King compelled to part with his Dutch Guards</i>	261
<i>Affairs of the East India Company</i>	262
<i>Resignation of the earl of Orford</i>	264
<i>Bill for appropriating the Irish Forfeitures</i>	ib.
<i>Dismission of the duke of Leeds</i>	265
<i>Affairs of Scotland</i>	266
<i>Intrigues of France at the Court of Madrid</i>	269
<i>Second Treaty of Partition</i>	273
<i>Resentment of the Court of Madrid</i>	274
<i>Tories re-instated in Administration</i>	278
<i>Piracy of Kydd</i>	280
<i>Malignant Accusations against Lord Somers</i>	281
<i>Severe Penal Act against the Papists</i>	282
<i>East India Affairs</i>	284
<i>Bill to treat concerning an Union</i>	285
<i>Report relative to Irish Forfeitures</i>	ib.
<i>Bill of Resumption</i>	287
<i>Dismission of Lord Somers</i>	290
<i>Affairs of Scotland</i>	291
<i>State of Europe</i>	296
<i>Treaty of Travendahl</i>	298
<i>Death of the duke of Gloucester</i>	ib.
<i>Demise of the king of Spain</i>	302
<i>Violation of the Second Treaty of Partition by France</i>	ib.
<i>Its Political Consequences</i>	303
<i>Session of Parliament</i>	307
<i>Predominance of the Tories</i>	ib.
<i>Debates respecting the Spanish Succession</i>	ib.
<i>High Demands of the Maritime Powers</i>	310
<i>The Lords Portland, Orford, Somers, and Halifax impeached</i>	315
<i>Act of Settlement</i>	317
<i>Angry Disputes between the two Houses</i>	320
<i>Kentish Petition</i>	322
<i>Proceedings of the Convocation</i>	324
<i>Second Grand Alliance</i>	326
<i>Military Transactions in Italy</i>	327
<i>Death of King James II.</i>	328
<i>Recognition of the Pretender by France</i>	329
<i>Departure</i>	

CONTENTS

iii

	Page
<i>Departure of the English Ambassador</i>	330
<i>Resentment of the English Nation</i>	332
<i>Whigs regain their Ascendency and Popularity</i>	333
<i>Session of Parliament</i>	334
<i>Energetic Speech of the King</i>	ib.
<i>Bill to attain the Pretender</i>	335
<i>Bill of Abjuration</i>	ib.
<i>Illness and Death of the King</i>	337
<i>His Character</i>	339

BOOK V.

<i>STATE of Europe on the Accession of Queen Anne</i>	343
<i>The Queen accedes to the Grand Alliance</i>	345
<i>Session of Parliament</i>	346
<i>Ministerial Arrangements</i>	347
<i>War declared against France</i>	ib.
<i>Impious Sermon of Binches</i>	349
<i>Affairs of Scotland, 1702</i>	350
<i>First Treaty of Union</i>	353
<i>Campaign in Flanders, 1702</i>	354
<i>Capture of Liege</i>	355
<i>Extraordinary Escape of the Earl of Marlborough</i>	356
<i>Defection of the Elector of Bavaria</i>	357
<i>Campaign in Italy</i>	358
<i>Battle of Luzzara</i>	ib.
<i>Unsuccessful Attempt on Cadiz</i>	359
<i>Capture of Vigo</i>	360
<i>Session of Parliament</i>	361
<i>Ascendency of the Tories</i>	ib.
<i>Occasional Conformity Bill thrown out by the Lords</i>	363
<i>Proceedings of the Convocation</i>	366
<i>Naval Transactions in the West Indies</i>	367
<i>Memorable Engagement of Benbow</i>	ib.
<i>Campaign in Flanders, &c. 1703</i>	368
<i>Tremendous Storm</i>	371
<i>Session of Parliament</i>	372
<i>Occasional Conformity Bill a second Time rejected by the Lords</i>	373
<i>Fraser's Plot</i>	376
<i>First-fruits and Tenths restored to the Clergy</i>	378
<i>Whigs gain Ground at Court</i>	379
<i>Earl of Nottingham resigns</i>	ib.
<i>Memorial of Count Wrattislaw</i>	380
	campaign

	Page
<i>Campaign in Germany, &c. 1704</i>	380
<i>Battle of Blenheim</i>	382
<i>Naval Operations</i>	386
<i>Gibraltar taken</i>	387
<i>Engagement off Malaga</i>	ib.
<i>Affairs of Scotland</i>	388
<i>Order of the Thistle revived</i>	394
<i>Act of Security passed.</i>	396
<i>Session of Parliament</i>	ib.
<i>Occasional Conformity Bill a third time rejected</i>	397
<i>Alarm taken at the Scottish Act of Security</i>	ib.
<i>Case of Ashby and White</i>	401
<i>Intrigues of the Court of St. Germaine's in England</i>	405
<i>————— same Court in Scotland</i>	ib.
<i>Campaign in the Netherlands, &c. 1705</i>	408
<i>Death of the Emperor Leopold</i>	410
<i>Capture of Barcelona</i>	412
<i>Rapid Successes of the Archduke</i>	413
<i>Session of Parliament</i>	414
<i>Whigs recover their Ascendancy</i>	ib.
<i>Obnoxious Motion of the Tories to bring over the Princess Sophia</i>	415
<i>Church declared to be not in danger</i>	418
<i>Articles of the Treaty of Union agreed upon</i>	421
<i>Campaign in Flanders, 1706</i>	422
<i>Battle of Ramillies</i>	ib.
<i>Military Transactions in Spain</i>	424
<i>And in Italy</i>	426
<i>Advances made by France for obtaining Peace</i>	427
<i>Affairs of Scotland</i>	428
<i>Articles of the Union debated</i>	431
<i>Session of Parliament in England</i>	439
<i>Articles of the Union ratified by both Parliaments</i>	440
<i>Intrigues at Court</i>	441
<i>Dismission of Sir Charles Hedges</i>	442

B. O O K VI.

<i>EMBASSY of the Duke of Marlborough to the King of Sweden</i>	444
<i>Campaign in Flanders, 1707</i>	447
<i>And in Germany</i>	448
<i>Unsuccessful Attempt on Toulon</i>	ib.
<i>Battle of Almanza</i>	450
	Ship-

CONTENTS.

-xv

	Page
<i>Shipwreck of Sir Cloudesley Shovel</i>	451
<i>First Parliament of Great Britain convened</i>	453
<i>Debates respecting the War in Spain.</i>	ib.
<i>Privy Council of Scotland abolished</i>	454
<i>Secretary Harley dismissed</i>	ib.
<i>The Whigs lose the Favor of the Queen</i>	455
<i>Invasion of Scotland by the Pretender</i>	457
<i>Campaign in Flanders, &c. 1708</i>	459
<i>Battle of Oudenard</i>	ib.
<i>Conquest of Lisle</i>	460
<i>Sardinia and Minorca reduced</i>	463
<i>Singular contest with the Court of Russia</i>	ib.
<i>Death of the Prince of Denmark</i>	464
<i>Session of Parliament</i>	465
<i>Act of Grace</i>	467
<i>Conferences for Peace opened at the Hague</i>	468
<i>War becomes unpopular in England</i>	470
<i>Campaign in Flanders, 1709</i>	471
<i>Battle of Malplaquet</i>	ib.
<i>Military Operations in Spain</i>	472
<i>Extraordinary Defence of Alicant</i>	ib.
<i>King of Sweden defeated at Pultowa</i>	473
<i>New Overtures of Peace made by France</i>	474
<i>Session of parliament</i>	ib.
<i>Trial of Sacheverel</i>	476
<i>Great Popularity of the Tories</i>	479
<i>Entire Change of Administration</i>	480
<i>Conferences of peace revived at Gertruydenberg</i>	481
<i>Campaign in Flanders, &c. 1710</i>	483
<i>And in Spain</i>	ib.
<i>Victories of Almanara</i>	484
<i>And Saragossa</i>	ib.
<i>Reverse of Fortune</i>	ib.
<i>Disaster at Brihuega</i>	ib.
<i>Session of Parliament</i>	485
<i>Violence of the Tories</i>	486
<i>Proceedings of the Convocation against Whiston</i>	487
<i>Death of the Emperor Joseph</i>	489
<i>State of Politics on the Continent</i>	ib.
<i>Campaign in Flanders, 1711</i>	ib.
<i>Capture of Bouchaine</i>	490
<i>Archduke Charles elected Emperor</i>	491
<i>Naval Transactions</i>	ib.

Ill-concerted

	Page
<i>Ill-concerted Attempt against Quebec</i>	492
<i>Clandestine Negotiations with France</i>	493
<i>Session of Parliament</i>	497
<i>Occasional Conformity Bill passed</i>	500
<i>Duke of Marlborough dismissed from his Employments</i>	501
<i>Creation of Twelve Peers</i>	ib.
<i>Debates on the Barrier Treaty</i>	503
<i>Scottish Toleration Bill</i>	505
<i>Congress held at Utrecht</i>	506
<i>Campaign in Flanders, 1712</i>	508
<i>Fatal Cessation of Arms</i>	509
<i>Disasters of the Allies</i>	ib.
<i>Treaty of Utrecht signed</i>	512
<i>Session of Parliament</i>	513
<i>Attempt to dissolve the Union</i>	ib.
<i>Debts of the Crown discharged</i>	515
<i>Ministerial Disputes and Cabals</i>	516
<i>Affairs of Ireland</i>	523
<i>State of Europe</i>	525
<i>Treaty of Alt-Ranstadt</i>	ib.
<i>Session of Parliament</i>	527
<i>Debates on the Danger of the Protestant Succession</i>	ib.
<i>Writ demanded for the Electoral Prince</i>	528
<i>Death of the Princess Sophia</i>	530
<i>Schism Bill passed</i>	ib.
<i>Dismission of the Earl of Oxford</i>	534
<i>Death of the Queen</i>	536
<i>Review of her Character</i>	537

INTRODUCTION,

INTRODUCTION,

CONTAINING

A SUMMARY OF AFFAIRS,

FROM

1660 to 1688.

Character of king Charles II. His discreet appointment of ministers. Character of the earl of Clarendon. Change of Measures. Act of Uniformity. Marriage of the king. Sale of Dunkirk. First declaration of indulgence. First Dutch war. Disgrace of the earl of Clarendon. Triple alliance. Cabal administration. King becomes a catholic. Projects of the cabal. Second Dutch war. Second declaration of indulgence. Earl of Shaftsbury joins the opposition. Test Act passed. Spirited conduct of the commons. Peace with Holland. Insidious policy of the court. Secret intrigues of the patriots. State of the nation. Popish plot. Impeachment of the lord treasurer Danby. New parliament. Bill of Exclusion. Habeas Corpus Act passed. Duke of York presented as a popish recusant. New parliament. Bill of Exclusion revived. Oxford parliament convened. Triumph of the court. Death of the king. Accession of king James II. Arbitrary measures of the court. Embassy to Rome. Meeting of parliament. Abject complaisance of the commons. Rebellion of Monmouth. Barbarities of Jeffries. Dissolution of parliament. Character of the earl of Sunderland. King's dispensing power
b *confirmed*

confirmed by the judges. Artifices of the court to gain over the dissenters. Affairs of Scotland—and of Ireland. New court of ecclesiastical commission. Bishop of London suspended. Vice-chancellor of Cambridge ejected from his office. President and fellows of Magdalen college, Oxford, expelled. Declaration of indulgence. Seven bishops committed to the Tower. Obstinacy and infatuation of the king. Earl of Castlemaine's embassy to Rome. Prudent conduct of the prince and princess of Orange. Birth of the prince of Wales. Duplicity of Sunderland. State of Europe. Projects of the prince of Orange. Terrors of the king. The prince of Orange lands at Torbay. King leaves Whitehall. The throne declared vacant. Prince and princess of Orange declared king and queen of England.

CHARLES II. was endowed by nature with qualities which gave him a just title to popularity; and his wonderful restoration to the throne of his ancestors, amidst the universal acclamations of his subjects, after twenty years of calamity and confusion; seemed to prognosticate a reign of unexampled felicity. Adversity has been styled the school of princes; and he possessed a capacity which might have enabled him to derive the most essential benefits from its discipline. His knowledge, though not extensive or profound, was of that species which in public life is of the highest importance, and which, if it had been rightly applied, would have conferred an honorable distinction upon his character. He was well acquainted with history and politics; he understood the interest of his country, and perfectly knew the rank she was entitled to hold amongst the powers of Europe. He was possessed of the most insinuating and graceful address; and, without departing from the dignity of his station, he knew how to charm all who approached his person, by the unaffected condescension and engaging affability of his manners. Notwithstanding,

standing, however, the flattering appearances which raised so high the hopes of his subjects, and the expectations of the world, such and so great were his deviations from the standard of political and moral rectitude, that he incurred, before the conclusion of his reign, the indignation, the odium and contempt of every friend of liberty and of virtue.

The declaration from Breda, the appointment of the earl of Clarendon to the post of prime minister, the admission of Annesley, Ashley Cooper, Hollis, Robarts and Manchester, the leaders of the presbyterian party, to the royal councils, and the Act of Indemnity passed by the convention parliament; were measures well calculated to conciliate the affections of the nation, and to restore peace, order, and general harmony. During the sitting of the Convention parliament, in which the Presbyterian interest predominated, and which regarded the proceedings of the government with a watchful and jealous eye, affairs were conducted with prudence and moderation. That assembly was dissolved in December, 1660; and in May, 1661, a new parliament was convened, which quickly appeared to be of a complexion very different from the preceding one, and from which the perfidy of the king, and the violent and wretched bigotry of the earl of Clarendon, might expect the highest encouragement and applause. This celebrated minister was possessed of very shining virtues, both in public and private life. His capacity, if not of the first rate, was however not inadequate to his elevated station; and his integrity and probity are universally acknowledged. He had the interests not only of the king but of the kingdom really at heart; and though the measures of his administration were often extremely exceptionable, they invariably proceeded from a firm persuasion that they were calculated to promote the welfare and happiness of the community. The grand defect in the character of this nobleman was a want of liberality and comprehension of mind. He was a religious bigot; a character totally incompatible with that of a

great statesman. He was under the influence of a thousand weaknesses and prejudices; his ideas of the nature and extent of regal authority were extravagantly high; he was wholly unacquainted with the principles of toleration. He was haughty, intractable, conceited and morose; and entirely destitute of that spirit of mild wisdom and enlightened benevolence which constitutes the highest perfection of the human character.

The first act passed by the new parliament pronounced every person who dared to affirm the king to be a papist, incapable of holding any employment in church or state—a measure which obviously tended to increase the suspicions already entertained respecting this point. The bishops, who had been previously restored to their spiritual functions by virtue of the royal prerogative exercised under color of the Act of Supremacy, were now admitted to their former stations in parliament, from which they had been so long excluded. The power of the sword, which had been the immediate cause of the civil war, was solemnly relinquished, and the doctrine of non-resistance explicitly avowed. The crown was invested with a power of regulating, or rather of new-modelling, all the corporations throughout the kingdom at pleasure; and all magistrates were obliged to declare, that it was not lawful, upon any pretence whatever, to take up arms against the crown. All these different measures, however, were but so many preludes to the famous Act of Uniformity, which took place in the same session; and which fell like a thunderbolt on the devoted heads of the presbyterian party, *i. e.* upon a class of men who constituted at this period at least one half of the nation.

To exhibit this act in its proper colors, it must be remembered, that the Convention parliament which restored the king was composed chiefly of presbyterians; and that their generosity had so far exceeded the limits of discretion, as to induce them to rely with unsuspecting confidence upon the royal

INTRODUCTION.

royal declaration from Breda, in which they were flattered with the prospect of a general amnesty and liberty of conscience, and to reject the advice of the more sagacious members of that assembly, who were of opinion that specific conditions should be offered to the king, who, in that critical situation of his affairs, would gladly have acquiesced in whatever terms had been proposed. By the Act of Uniformity, however, the church was not only re-established in all her pristine rights, but the terms of conformity were made still more rigorous than in any former period; with the express view of excluding all of the presbyterian denomination from the national communion; in consequence of which, about two thousand of the beneficed clergy voluntarily relinquished their preferments on Bartholomew-day, 1662, when the Act of Uniformity, by a refinement of cruelty, was to take place; in order to prevent those who should resign their livings from reaping any advantage from the tythes of the preceding year. After making every allowance for that mixture of adventitious motives by which in such situations human nature will be ever in some degree actuated, this must certainly be regarded as an astonishing sacrifice of temporal interest to integrity and conscience, and as exhibiting a striking proof of the deep impression which the christian religion is capable of making on the heart. But when we examine minutely into the reasons upon which this magnanimous secession was founded, we cannot but stand amazed at their extreme frivolousness and futility; and our admiration is almost annihilated by contempt. The leaders of the presbyterians, who were many of them men of great learning and abilities, did not object to a national establishment as such; they were far even from professing to disapprove of the government of the church by bishops; to the theological system contained in the thirty-nine articles they were very strongly attached; and the use of a public formulary of worship they generally regarded not only as lawful but expedient. To what then did they

they object?—To submit to re-ordination, by which the validity of the prior ordination by a presbytery would virtually be impugned. They could not in conscience consent to kneel at the sacrament of the Lord's Supper; nor could they make use of the sign of the cross in baptism; nor prevail upon themselves to bow to the name of Jesus; nor would they countenance the superstitions of the Romish church by wearing the ecclesiastical vestments, which they reckoned amongst the detestable abominations of that Mother of Harlots. It is difficult to determine, whether a greater degree of bigotry was discoverable in insisting upon these petty observances as terms of communion, or in rejecting them as anti-christian and unlawful. This, however, is certain, that Clarendon, who was now possessed of absolute authority, must have drank deep into the spirit of Laud, to have urged a measure which had a direct tendency to alienate the minds of half the nation from the king's person and government, which plunged a great number of worthy and conscientious men into the depths of indigence and distress, and which laid an extensive foundation for a schism, which still subsists, and which has been productive of very pernicious consequences. Though it must be acknowledged, that much good has likewise resulted from it, but of such a nature that the faintest idea of it could never enter within the narrow views of that honest but mistaken minister.

In the summer of 1662, the inauspicious marriage of the king with Catherine-infanta of Portugal was concluded. The conduct of the chancellor respecting this important event discovers rather acquiescence than approbation. The mischievous effects of a catholic alliance were surely sufficiently obvious by the example of the former reign; and how the interests of this kingdom could be promoted by establishing the independency of Portugal, which was the great political consequence to be expected from this union, it were not easy to demonstrate. Spain was already sunk much too low in the scale of power; and nothing could
more

more effectually contribute to confirm the dangerous ascendancy recently acquired by France, than this violent dismemberment of her empire.

In the same year a transaction took place, which has usually been represented as highly scandalous, and even criminal—the sale of Dunkirk. But it must be remembered, that the revenue of the crown was at this period very narrow, and the expence of maintaining Dunkirk disproportionately great, compared either with the amount of the revenue or the advantage arising from the possession. The diminution of the national honor by the sale of the place was therefore the only reasonable objection to which it was liable. Under the false and visionary idea, that essential benefits are to be derived from the possession of fortresses in foreign kingdoms, Calais, Dunkirk, Tangier, Port-Mahon, and Gibraltar, have successively been occupied at an immense expence of blood and treasure; and the absurd and unjust retention of the last of these places shews that the nation is not yet recovered from this species of political *mania*.

Before the close of this year, the king exhibited plain indications of that attachment to the catholic religion which was so remarkable a characteristic of the Stuart family, and which at length terminated in their total ruin. In December he issued a declaration, in which was expressed his intention of mitigating the rigor of the penal laws in favor of his peaceable non-conforming subjects, by virtue of his dispensing power. But the house of commons, who were equally adverse to papists and presbyterians, strongly remonstrating against the proposed indulgence, the king gave the first proof of that cautious and accommodating spirit which never forsook him, even when engaged in the prosecution of the deepest and most dangerous designs, by immediately desisting from his project; and, in order to pacify the parliament, a proclamation was soon after issued against Jesuits and Romish priests.

From

From this time, however, it was observed that the earl of Clarendon began to decline from that height of favor he had hitherto enjoyed. The king became sensible that this inflexible minister, notwithstanding his high theoretical principles, could never be brought to support any designs which might be formed either for the actual extension of prerogative, or for the advancement of popery. The resolution taken by the court in the following year, not without the concurrence of the parliament and the approbation of the nation in general, to declare war against Holland, evidently marked the declension, or rather the annihilation, of that nobleman's authority. The king's settled aversion to the manners, government, and religion of the Dutch nation was the real ground of this war; and the jealousy entertained of these industrious republicans as commercial rivals was the cause of its popularity. It was, nevertheless, so palpably unjust, that the chancellor, whose probity remained unshaken in the midst of temptation, openly remonstrated against it, but without any effect. The war, however, was not carried on with that success which was expected. France and Denmark declared in favor of Holland; and the king, notwithstanding the memorable insult he received from the Dutch fleet commanded by De Ruyter, who in the summer of 1667 sailed up the Medway and burnt several men of war lying in that river, thought proper to sign a treaty of peace at Breda in July, and to reserve to a more favorable opportunity the compleat gratification of his hatred and revenge. The disgrace of the chancellor immediately followed. Popular prejudices ran high against him; and the king had the baseness and ingratitude to encourage a parliamentary impeachment for high treason against the man to whom he owed the most important obligations, who had been the guide and counsellor of his youth, and in whom he had once placed the most unlimited confidence. Happily he found means to escape into France, where

where he spent the remainder of his life in philosophic and dignified retirement.

The first political measure of the court after this event has met with very great and deserved applause. This was no other than the famous Triple Alliance concluded between England, Holland, and Sweden, for the avowed purpose of putting a stop to the military progress of the French monarch, whose power began about this time to appear extremely formidable, and who had, in contempt of every appearance of justice, entered the Spanish Low Countries with a numerous army, and threatened to make an entire conquest of those rich and extensive provinces. Louis, however, did not choose to risque a rupture with this potent confederacy; and for a short time England, in consequence of this spirited conduct, appeared in her proper station as the great bulwark of the common liberties of Europe. Some faint attempts were also now made by Buckingham, the new minister, to procure a relaxation of the terms of conformity; but the temper of the commons appeared totally adverse to every idea of that nature. They even inflicted additional penalties upon non-conformists; and by a remarkable clause in the act passed against Conventicles, the malignant spirit by which they were actuated is strikingly manifested. If any dispute should arise with respect to the construction of the act, the judges are directed, contrary to the universal practice of the English courts of judicature in the interpretation of penal statutes, to explain the doubt in the sense least favorable to the delinquent. Such was indeed the violence with which the legislature now proceeded, that, had not the political circumstances of the times undergone an unexpected revolution, another Marian persecution was justly to be apprehended.

Towards the end of the year 1669, the principal executive offices of government were filled by Clifford, Arlington, Buckingham, Ashley Cooper, afterwards earl of Shaftesbury, and Lauderdale, who composed that administration

so well known by the appellation of the CABAL—the majority of whom were, in the general opinion, men, who, to borrow the language of lord Clarendon, “ had heads to contrive, hearts to approve, and hands to execute any mischief.” And it may with strict justice be affirmed, that the king, in concert with a secret, dark, and dangerous faction, was engaged in a conspiracy against the religion, laws, and liberties of his kingdom. The dissimulation and perfidy of Charles are such as to make it extremely questionable, whether he ever really entered into the views with which the Triple Alliance was formed. However that may be, it is certain, that within two years after that event his political conduct was totally changed; and in an interview which took place in the spring of the year 1670 with his sister Henrietta, duchess of Orleans, a secret treaty was negotiated with the French king for the purposes of subverting the republic of Holland, of making the authority of Charles absolute, and of establishing once more the Romish religion in the realms of Britain: as a prelude to which, Charles was formally absolved, and received into the bosom of the catholic church.*

In

* The three great objects of the alliance between Louis and Charles were as stated in the narrative. But Clifford and Arlington only, who were themselves papists, were privy to the whole project. The secret was in part kept from Buckingham, Ashley and Lauderdale, who were amused with a fictitious treaty, containing all the articles, except those relating to religion, of the former real treaty negotiated and signed unknown to them by lord Arundel of Wardour. “ But,” as Mr. Hume observes, “ if popery was so much the object of the national horror, that even the king’s own ministers either would not or durst not receive it, what hopes could he entertain of forcing the nation into it ?” The king was so zealous a papist, that he wept for joy when he saw the prospect of re uniting his kingdom to the catholic church. *Dalrymple’s State Papers.*

King James, in his memoirs under the year 1668, says, “ About this time the duke of York discoursed with the king if he continued in the same mind as to his religion, who assured him he did, and desired nothing more than to be reconciled.” And in the following year we find the account thus

In pursuance of this plan, the king had the unparalleled assurance to convene the parliament in the following winter, and to procure supplies from them to a very large amount, under pretence of the danger to be apprehended from the increasing power of France, and of the obligation and necessity of supporting the Triple Alliance. When money was thus obtained, the mask was thrown off, and military preparations were openly made. But, in order to secure an additional supply, as nothing farther could be expected from parliament, an infamous resolution, by the advice of Clifford, was taken, previous to a declaration of war, to shut up the royal exchequer; by which means, the vast sums advanced by the bankers upon the credit of the funds provided by parliament were forcibly sequestered. The distress, consternation and ruin consequent on this enormous violation of public faith did not prevent the court from taking another step, if possible, still more alarming, and fraught with still more extensive consequences. This was the famous Declaration of Indulgence, by which the king took upon him, by virtue of his prerogative, to suspend all the penal laws at once. The lord-keeper, sir Orlando Bridgeman, who had put the sale to the Declaration of Indulgence, was soon after permitted to retire upon account of his advanced age and infirmities, and Shaftesbury advanced to the dignity of chancellor.

The

thus confirmed: "The duke speaks of religion to the king, and finds him resolved to be a catholic. The king appoints a private meeting with lord Arundel, lord Arlington, and sir Thomas Clifford, in the duke's closet, to advise on the methods to advance the catholic religion in his kingdom. They met on the 25th of January. The king declared his mind in matters of religion with great zeal to the duke and other three persons at this private meeting. The result of the consultation was, that the work should be done in conjunction with France. The lord Arundel was accordingly sent to treat with the French king, and the treaty was concluded in the beginning of the year 1670."

Maspherson's Papers, vol. ii. p. 50.

INTRODUCTION.

The design of introducing popery was now apparent to every one; and the actual declaration of war against the Dutch, which quickly followed, raised the indignation and apprehensions of the nation to the highest pitch. The successful campaign of 1672, in which the united-states were reduced to the brink of ruin by the arms of Louis XIV, encouraged by the king, after an interval of near two years, to assemble the parliament; and the session was opened by a speech from the throne expressed in a very high tone of authority. He spake of the war as not only just, but necessary; and as what he was fully determined to prosecute. And he informed the house, that he had issued a Declaration of Indulgence, from which he had experienced very happy effects, to which he should therefore adhere, and the validity of which he would not suffer to be questioned or opposed. Notwithstanding the courtly disposition of which the house of commons had given so many proofs, and their former base and criminal compliances, it must be acknowledged, that upon this great occasion, which involved in it the most essential interests of the whole community, they acted in a manner worthy of the representatives of a free and spirited people. They first passed a resolution of supply: but before they proceeded to substantiate the vote, they framed a remonstrance against the Declaration of Indulgence; to which the king replied in resolute terms. The commons repeated their application, or rather demand, in a firm and decisive tone; and when matters were thus brought to a crisis, Charles, who found himself on the edge of a precipice, and whose genius was not calculated for great and continued exertion, thought proper on a sudden to retreat. After asking, to save appearances, the opinion of the house of peers, which of course coincided with that of the commons, he sent for the Declaration, and with his own hand broke the seal; acknowledging to the whole world by this act, that his want of courage bore a very exact proportion to his want of wisdom and want of honesty.

Shaftesbury,

INTRODUCTION.

Shaftesbury, whose ultimate aims differed widely, as there is reason to believe, from those of the rest of the cabal, had, on the first discussion of this subject in the house of peers, given a very decided opinion, in opposition to the lord treasurer Clifford, for the recal of the declaration; without any previous notice of his intention, and to the amazement of the court, enlarging in a very eloquent speech upon the impropriety and danger of resisting the sense of the legislature upon a point of this nature, however laudable in itself, or however it might be sanctioned by the sentiments of private individuals or the precedents of former reigns; the suspending power being still an acknowledged, though irregular, branch of the prerogative. Such were the transcendant abilities of this nobleman, and such also the ideas entertained of his genuine sentiments and political rectitude of system, notwithstanding his late external compliances, that he was received by the leaders of the opposition with open arms, and from that period became the ANTIOPHEL of all their counsels.*

The house of commons pursued the victory they had gained with great moderation: they even appeared desirous to avoid urging the king to desperate extremities. No mention was made of the violation of the triple alliance, or of the shutting up of the exchequer. An act of Indemnity was passed, with a view chiefly to screen the ministers of the crown from any further enquiry, and the resolution of supply, to the great disappointment of the Dutch, passed into a law; in return for which, the king gave the royal assent to the famous TEST ACT, which required every man holding a public office to receive the sacrament according to the usage of the established church, and to abjure the doctrine of transubstantiation. This was a vigorous and well-aimed stroke, and, as the duke of York, who resigned his commission of high admiral, with tears declared, the most fatal blow that the Roman catholic interest could have received. Soon after

* Vide note at the end of the Introduction.



INTRODUCTION:

after the treasurer's staff was taken from Clifford (who had become extremely obnoxious by the intemperate zeal with which he had supported the declaration of Indulgence, and who was now incapacitated by the test,) and given to sir Thomas Osborne, created earl of Danby; a man not of splendid talents, but cautious and prudent, and who in the present situation of affairs seemed not ill-qualified to fill that important station.

In the month of October, 1673, the parliament was again convened, but a more refractory spirit began now to appear. The commons were highly offended with the treaty of marriage then in agitation between the duke of York and a princess of the house of Modena, and remonstrated warmly against it. They voted the alliance with France to be a grievance, and came to a resolution that they would grant no farther supply, unless the Dutch obstinately refused to treat of peace. Upon which the king, who had relinquished those magnificent projects which he had so lately entertained, thought proper to conclude a separate peace with Holland, through the mediation of the Spanish court, in the beginning of the year 1674. Great rejoicings were made on account of this peace; and it was hoped that the king, convinced of his past errors, would endeavor to retrieve the esteem and affection of his subjects by his future conduct. To confirm these favorable impressions, sir William Temple, who negotiated the triple alliance, and who stood higher than any man in the confidence of the states, was again appointed ambassador at the Hague: the mediation of the king was solemnly offered in order to affect a general peace, and Nimeguen fixed on as the place of congress. As the continuance of the war could no longer answer any political purpose, the king may reasonably be supposed sincere, if not zealous, in his endeavors to restore the tranquillity of Europe. Louis, also, whose schemes of ambition by the detection of England were totally frustrated, and who now found himself engaged alone against a formidable confederacy,

federacy,

federacy, though his armies still maintained a superiority in the field, was not averse to a treaty. But the prince of orange, strengthened by the alliance of the Imperial and Spanish courts, and hoping for the accession of England, was secretly disinclined to listen to overtures of reconciliation, and aspired to the glory of humbling the pride of that haughty monarch, whom he regarded with detestation, not merely as the unprovoked invader of his native country, but as the common enemy and disturber of Europe. The French army, however, under the conduct of those consummate generals Condé, Turenne and Luxembourg, still continued to make a rapid progress : and the parliament, finding the mediation of Charles not attended with success, in the session held February, 1677, after a long interval, during which it appears that large sums were remitted from France, voted an address to the king to enter into a league offensive and defensive with the states-general. The king affected to resent this interference, as an encroachment upon his prerogative, and, in anger, immediately adjourned the parliament. The fact was, that he had actually sold his neutrality to France ; and that he had regularly received a pension from that court to the amount of two millions of livres, as the price of his honor and conscience.

Throughout his whole reign, however, it was contrary to the maxims of policy by which Charles was governed, to risque a serious or violent rupture with the parliament ; and he was convinced that some popular measure was absolutely requisite in present circumstances, to palliate his conduct, and in some degree to redeem his reputation ; and no measure could more effectually answer those purposes, than the marriage of the princess Mary, eldest daughter to the duke of York, to the prince of Orange ; who, by this alliance, might be led to entertain no very distant prospect of succeeding to the English crown. When this intention was made public, the highest degree of satisfaction was expressed by all parties : and the prince arriving in England at the end of the

the campaign, the marriage-ceremony was performed, to the great surprise and chagrin of the French monarch ; who received the intelligence, to use the expression of Montague the English ambassador, " as he would have done that of the loss of an army." The good consequences expected from this union did not, however, immediately appear. The king, indeed, pretended to enter into an amicable consultation with the prince respecting the terms of the treaty of peace : which were at last settled in such a manner as to give satisfaction to the allies. And Charles protested, that if the plan then concerted was rejected by Louis, he would immediately join the confederacy. After the prince's departure, however, he resumed his clandestine negotiations with France, and made great concessions and abatements in the terms originally projected ; for which he received pecuniary compensations from Louis. And though Charles, finding that he incurred the indignation and contempt of all parties by the base duplicity of his conduct, seemed at length resolved in earnest to adopt vigorous and decisive measures, the parliament appeared no longer disposed to confide in his professions ; and the Allies, despairing of effectual support from England, signed a peace with France, at Nimeguen, in August, 1678.

It appears from late discoveries, that the patriotic party in the house of commons, led by Sydney, Russell, &c. were secretly averse to engage the nation in a war with France, notwithstanding the apparent incongruity of their public conduct : and in this they concurred with a great majority of the wisest and most dispassionate members of the united states, though not with the sentiments of the stadtholder ; by whose authority and influence alone the war, without any adequate political necessity, had been so long continued. The leaders of the opposition in parliament well knew, that no real danger was now to be apprehended from France. The king had it in his power to dictate the terms of the treaty of peace ; and they with good reason entertained the strongest

strongest jealousies and suspicions, that the immense sums which must be voted, and the vast armaments which must be raised, in order to carry on a war against France, might eventually be directed against the religion and liberties of this kingdom. They were fully acquainted with the deep and dangerous designs which the king had formerly harbored against his subjects, and which want of power, and not want of inclination, had at length compelled him to abandon. The court of France, for very different but very obvious reasons, was equally solicitous to prevent the king from joining the confederacy; in consequence of which accidental union of interests, intrigues were carried on between the French ambassador and the members of opposition; and great sums of French gold were distributed, with the approbation of even such men as Russell, Sydney, and Hollis, in order to accomplish a great political purpose, which unhappily was not to be effected by more open and honorable means. Men of virtue and integrity, who hold the noiseless tenor of their way through the cool sequestered vale of private life, are apt to feel a much greater degree of indignation at these irregular practices than the nature of the facts will justify. “*Fiat justitia, ruat cœlum!*” is with such men a fundamental maxim of political morality. They consider not, that virtue is itself founded upon utility, and *that the END is not to be ultimately sacrificed to the MEANS.* And when the public safety is the end in view, an object of such transcendent importance will certainly justify the use of such means as are indispensably necessary to its attainment. However liable to abuse, and however vilely it may have been abused, the principle is in its own nature incontrovertible. Had the nation fallen again under the yoke of popery and arbitrary power, in consequence of those refinements of delicacy, or scruples of conscience, by which, now the danger is past, many are ready to affirm that the patriots of the last century ought to have been actuated; Russell and Sydney, Lyttelton and Hollis, might have a just claim to regard

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regard and esteem, as honest and well-meaning men : but posterity would have had little reason to applaud their sagacity as statesmen, or to venerate their memory as enlightened patriots.

ENGLAND, after the conclusion of the peace of Nimeguen, remained in a state of extreme dissatisfaction and uneasiness. The honor as well as the interest of the nation was thought to be sacrificed. It was evident that France had obtained much more advantageous terms than she was entitled to expect. The king was universally acknowledged to be the arbiter of the peace ; and he had justly incurred the imputation of having been bribed to betray the interests of the confederates. Of Charles's predilection for popery, also, doubts could no longer be entertained : and though the king's natural good sense, as well as his want of political firmness, had prevented him, and would probably continue to prevent him, from urging matters to any desperate extremity himself ; the attention of the people began now to be fixed on his immediate successor, whose bigoted attachment to the Romish religion became every day more apparent, whose temper was known to be extremely violent, whose capacity was proportionally narrow, and whose obstinacy was systematic and invincible. At this critical juncture an incident happened, in itself important, but much more so in its consequences, attended by very extraordinary circumstances, some of them of a very dark and mysterious nature, and which time has not enabled the most sagacious historians completely to elucidate. In the month of August, 1678, the king, walking, as his custom was, in the Mall, was addressed by a stranger, who informed him that a plot was concerted against his life. Upon being referred to lord Danby for examination, he introduced to that minister various other persons, amongst whom was the famous Titus Oates, who all agreed in the reality of a plot, not only to murder the king but to extirpate the protestant religion : after which they pretended the crown was to be offered to the duke of York, who

who was to receive it as a gift from the pope. To this evidence was appended a prodigious variety of incoherent and incredible circumstances. When the witnesses were farther examined before the privy council, several persons of very high rank were accused; and Coleman, secretary to the duke of York, was expressly affirmed to be in the whole secret of the conspiracy. When the papers of Coleman however were seized, nothing more appeared than a fiery and intemperate zeal for the restoration of the catholic religion, and the extirpation of heresy, and some sanguine expressions of hope that a favorable opportunity would shortly present itself for the accomplishment of these glorious purposes. This certainly was far from amounting to the discovery of a plot—and men were at a loss what to think of the testimony of these informers, who were persons of extreme profligacy of character, when the murder of sir Edmundbury Godfrey, a popular magistrate by whom the depositions had been taken, threw the whole nation into a paroxysm of rage and consternation. He was found at a considerable distance from his own habitation with evident marks of violence about his person, and his own sword thrust through his body. It was immediately concluded, that he was assassinated by the papists, and the reality of the plot was no longer doubted. During the height of this political ferment, the parliament assembled, and almost instantly passed a vote, “That a damnable and hellish popish plot was actually carrying on for assassinating the king, subverting the government, and rooting out the protestant religion:” and the lords Powis, Arundel, Stafford, Petre, and Bellasis were, upon the evidence of Oates, &c. committed to the Tower, and soon afterwards impeached for high treason.

Whilst the house of commons was deeply engaged in the prosecution of this business, of which lord Danby himself, contrary to the king's inclination, had promoted a parliamentary investigation, a discovery was made which put a sudden termination to the credit and authority of that noble-

man. During the pendency of the negotiations in the year 1677, the lord treasurer was privy to, and in some measure concerned in, the scandalous concessions made by the king to the prejudice of the allies, and the consequent equivalents in money received from the French court. It is true, that nobleman always expressed his dislike of these proceedings, which were chiefly carried on by the intervention of Montague the English ambassador, a man of address, whose principles were never found at variance with his interest. This man aspired to the office of secretary of state, which sir William Coventry was willing to resign in his favor for the sum of ten thousand pounds. Montague applied in very humble and adulatory terms to the lord treasurer, to prevail upon the king to ratify this corrupt pecuniary bargain. But finding that sir William Temple, by the recommendation of lord Danby, was nominated to that office, he left Paris with great precipitation, and, to the confusion and astonishment of the minister, exhibited a charge of corruption against him in the house of commons, although he had himself been far more deeply concerned in those very transactions upon which the accusation was grounded. The house of commons, inflamed with this intelligence, immediately voted an impeachment for high treason against the treasurer. The peers however refused to commit Danby upon a charge of treason so weakly founded. The commons persisted in their demand; and, great contests being likely to arise upon this point, the king, who plainly perceived that this house of commons, formerly so submissive and loyal, was no longer to be either cajoled or overawed, thought proper first to prorogue, and soon after to dissolve, the parliament, which had now sat almost eighteen years.

The new parliament, which met in March following, 1679, soon displayed a spirit of jealousy and opposition to the court, at least equal to their predecessors. The impeachment of Danby was revived; but the king had previously

viously granted him a pardon under the great seal, which he affixed to it with his own hands. But the commons affirmed, that no pardon could be pleaded in bar of impeachment : and Danby, who had absconded, but who chose to make his appearance rather than to incur the penalties of a bill of attainder, was immediately committed to the Tower. The house proceeded with equal violence in the prosecution of the pretended popish plot, the existence of which still depended upon the testimony of the infamous Oates and his still more infamous accomplices. The vote of the former parliament was renewed ; and colonel Sackville was expelled the house, for presuming somewhat indiscreetly to call in question its reality. Even the courts of justice upon this occasion became the mere instruments of parliamentary and popular vengeance ; nor did the nation awaken from its delirium till the scaffold had streamed with the blood of various persons of high distinction, and great numbers of inferior rank, both clergy and laity, had fallen a sacrifice to this egregious imposture ; the passions of amazement and horror making that evidence appear credible, which would at any other time have been rejected as an insult to common sense.

But though it must be acknowledged that nothing was discovered, after the most indefatigable investigation of this affair, which could possibly be construed into a plot or conspiracy, by any mind not distempered with the rage of faction ; yet the parliament as well as the nation had sufficient grounds to apprehend, that in the event of the king's decease the most vigorous attempts would be used by his successor to re-establish the Romish religion in these realms, with its natural, and in this case its inseparable concomitant, arbitrary power. It was therefore with the highest degree of public approbation that the house of commons came to an unanimous vote, " That the duke of York's being a papist, and the hopes of his succeeding to the crown, had given the highest countenance to the present designs

designs of the papists against the king and the protestant religion." This was regarded, and it was unquestionably intended, as the prelude to a bill for excluding him from the throne. Charles, who held his brother's understanding in just contempt, and who had little affection to his person, was however fully determined, and he adhered to his determination with a degree of firmness of which he was thought wholly incapable, never to give his assent to a measure which appeared to him in the highest degree violent and unjust. Previous to the introduction of this famous bill, therefore, he proposed to the parliament, in a very gracious and conciliatory speech, a plan of limitations which would have effectually secured the religion and liberties of the nation ; and at the same time declared, that if any thing farther could be devised by the wisdom of parliament, as an additional satisfaction, without defeating the right of succession, he was ready to consent to it. Upon the ground of that fundamental maxim of true policy, which directs us to aim not at that which is best in itself, but at the best of those alternatives which are practicable, limitation and not exclusion ought to have been the object of parliament ; though it must be confessed that the king had given so many proofs of the flexibility of his temper in the course of his reign, and of his extreme reluctance to risque a total rupture with parliament, that there was great reason to believe he might ultimately be induced to concur in the rigorous and popular plan of exclusion.

Possessed with these ideas, the house of commons rejected with disdain the compromise offered by the king, and without any delay passed the Bill of Exclusion by a large majority of votes ; though by a clause of it the duke was declared guilty of high treason, if after the decease of the king he appeared within the limits of the British dominions. In the vain hope of mollifying the untoward disposition of the commons, the king at this period passed the memorable Habeas Corpus Act ; though the duke of York affirmed to him,

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him, that with such a law in being no government could subsist. Finding however that no impression was to be made by any act of grace or condescension, he took a sudden resolution to dissolve the Parliament; and writs were at the same time issued for a new Parliament, which nevertheless did not meet till the succeeding summer. In the interim Shaftesbury, now the oracle of the opposition, attended by Russel, Cavendish, Grey, and many other persons of the first distinction, publicly appeared in Westminster hall, and presented the duke of York to the grand jury of Middlesex as a popish recusant. This unprecedented act of audacity was intended by the popular party to convince the court, as well as the world; that they were firmly resolved never to listen to any terms of accommodation with the duke, and that his exclusion from the throne was a point which at all hazards they were determined to insist upon.

At length, in October, 1680, the parliament was convened; and the session was opened with a very judicious, animated, and even affectionate speech from the throne. At this period, if at any time, Charles was sincerely desirous of living upon terms of mutual confidence and harmony with his subjects; his own excellent understanding could not but suggest to him, that the numerous difficulties and embarrassments in which he had been involved, had arisen almost entirely from his own misconduct. His love of ease, and the advanced age to which he had now attained, were strong inducements to him to avoid those measures which had a tendency to inflame the parliament or to disgust the nation: and since the alliance with the prince of Orange he was less inclined to a close connection with Louis, whose conduct for a certain period immediately preceding the peace of Nimeguen he had deemed, after all the obloquy he had incurred upon his account, highly ungrateful and injurious, and of which he still retained a deep resentment. In this speech, truly worthy of a British monarch, he again informed the parliament, that he was willing to concur in any expedient for the security of the protestant religion, provided

provided the succession were preserved in the due and legal course. After stating his pecuniary wants, for which he trusted parliament would provide, he added,—“But that which I value above all the treasure in the world, is a perfect union among ourselves. All Europe have their eyes upon this assembly: if any unseasonable disputes do happen, the world will see that it is no fault of mine. I have done all that it was possible for me to do, to keep you in peace, while I live, and to leave you so when I die. But from so great prudence and good affection as yours I can fear nothing of the kind, but do rely upon you all, that you will do your best endeavors to bring this parliament to a good and happy conclusion.”

The mildness and moderation of the king were not however attended by any sensible or salutary effects. In a few days the Bill of Exclusion was again introduced, passed by a great majority, and carried up to the lords; who, influenced chiefly by the eloquence of the marquis of Halifax, after vehement debates, at length determined to reject it. The commons immediately voted an address for the removal of that nobleman from his majesty's councils and presence for ever. And this address was soon after followed by another in the highest degree inflammatory; in which all the abuses of government which had been the subject of complaint almost from the beginning of the king's reign were insisted upon; and “the damnable and hellish popish plot” is openly ascribed to that party under whose influence all the measures of government originated. They likewise voted, “that whoever advised his majesty to refuse the Exclusion Bill were enemies to the king and kingdom, and that, till this Bill were passed, they could not, consistently with the trust reposed in them, grant the king any manner of supply.”

No farther hopes remaining of bringing the commons to any better temper, the king dissolved the parliament in January, 1681. But, desirous of making one more effort

to effect a reconciliation with his people, he summoned another parliament to meet at Oxford in March. In his speech at the opening of it, he told them in a tone of seriousness and dignity, that, "though he had reason to complain of the unwarrantable proceedings of the former house of commons, no past irregularities could inspire him with a prejudice against those assemblies. He now afforded them yet another opportunity of providing for the public safety; and to all the world he had given one evidence more, that on his part he had not neglected the duty incumbent on him." Such however was the infatuation of the house of commons, that though the ministers of the crown proposed, by command of the king, that the duke should be banished during life five hundred miles from England; and that, on the king's demise, the next heir should be appointed regent with kingly power, they deemed no expedient but the absolute exclusion of the duke worthy of attention. The patience and moderation of the king, which had stood a very severe trial, now seemed at last to forsake him; and, before the commons had time to pass a single bill, he suddenly and unexpectedly dissolved the parliament, with a full resolution not to summon another till the spirit and temper of the times had undergone an essential alteration.

The popular party were struck with consternation at this vigorous procedure; and the nation, disgusted with the obstinacy of their representatives, and pleased with the great concessions made by the king, joined in applauding the firmness and spirit with which he acted on this occasion. The desperate measures afterwards resolved to by the patriots, the fatal catastrophe which ensued, and the tragical end of Sydney, Russel, Essex, and others of the party, too plainly evinced the imprudence and indiscretion of their preceding conduct; which indeed affords a memorable lesson to posterity, how solicitous men ought to be, who have great and laudable ends in view, to adopt rational and practicable methods of effecting them.

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The despotism exercised by Charles from this period was scarcely inferior to that of Henry VIII. though it is certain, that, pressed by pecuniary difficulties, and living in the continual dread of another revolution, his gaiety of spirit forsook him, and he became silent, absent and melancholy. It is generally believed, and with good reason, that he was meditating a change of measures; and that he had it in contemplation very shortly to summon another parliament, from which very happy consequences would probably have resulted, when he was suddenly seized with a fit of apoplexy, and died February 6th, 1685, in the 55th year of his age and 25th of his reign. Some remarkable circumstances attending his death occasioned a suspicion of poison; but there does not appear sufficient evidence for an accusation of this atrocious nature. The whole tenor of his actions and policy prove that this monarch, whose superiority of understanding and quickness of penetration were no less conspicuous than his total want of virtue and of principle, might with more propriety than almost any man, declare that he always discerned the things that were right, though he uniformly adopted those which were wrong.*

It is extremely remarkable, and it may perhaps by some be considered as a characteristic *trait* of that caprice so frequently ascribed to the English nation, that, notwithstanding the vehement and furious efforts which had been so recently made to effect the absolute exclusion of the duke of York from the throne, his accession to the crown was not attended with any public marks of disgust or dissatisfaction. The storm had spent its rage, and was succeeded by a dead and settled calm. This must not, however, be attributed to any radical change in the public opinion respecting the eligibility of this exclusion in itself considered, but to a general dread of the alarming consequences which must have resulted from persisting in the prosecution of a project, in

* Video meliora proboque,
Deteriora sequor.

in which it was apparent that the king would never be induced to acquiesce. And though the sudden death of Charles prevented that monarch from executing his intention of convening a parliament, in which such restrictions would doubtless have been imposed upon the successor as the political situation of the kingdom would have been thought, on a cool and impartial reconsideration of the subject, to require ; yet it was hoped that the understanding and experience of the new king would suggest to him the propriety, or rather the necessity, of regulating his conduct in such a manner as to convince the people that their religion and liberties were not endangered under his government. And reflecting men, who always resort with reluctance to violent and desperate remedies, clearly saw that no serious attempt could be made upon either, but with the most imminent hazard to the king's authority, not to say his safety. James II. was now far advanced in life ; the season of rashness and temerity, it might be reasonably presumed, was past ; and he would deem himself, as people fondly imagined, happy by a mild and popular administration to secure the quiet and peaceable enjoyment of a crown which had once been so nearly wrested from him : and after a reign, probably of no very long duration, a bright and glorious prospect again opened to their view in the accession of the prince and princess of Orange. The event, however, proved how delusive were these hopes ; and how justly founded the apprehensions of those who were but too well apprised of the bigotry, the enthusiasm, the blind and deplorable obstinacy of this infatuated monarch.

The first act of James's reign, however, seemed not ill-calculated to confirm the prepossession which the public were but too ready to encourage in his favor. In his declaration to the privy council, which assembled immediately on the death of the late king, he professed his resolution to maintain the established government both in church and state ; and he affirmed, that, though he had been reported
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to have imbibed arbitrary principles, he knew the laws of England were sufficient to make him as great a monarch as he could wish, and he was determined never to depart from them. Numerous addresses from all parts of the kingdom were presented to the new monarch, couched for the most part in terms of the grossest adulation ; which no doubt greatly contributed to lull him into that fatal security which was the cause and the fore-runner of his ruin. Though the royal declaration was highly extolled by the partisans of the court, and indeed by the generality of the people, who pleased themselves with boasting " that they had now the word of a king to rely upon ;" yet they had very early proof how weak and fallacious was this ground of dependence. For, in open defiance of the law agreeably to which the greater part of the duties of custom and excise granted to the king expired at his demise, James issued a proclamation within a few days subsequent to this declaration, commanding those duties to be paid as before. And the second Sunday after his accession he went openly, with all the *insignia* of royalty, to mass ; to the indignation of most men, and the amazement of all.

One Caryl also was dispatched to Rome in the capacity of agent, in order to make submissions to the pope in the king's name, and to pave the way for the re-admission of England into the bosom of the catholic church. But these expressions of duty and obedience to the Holy See were not received with much eagerness or satisfaction. This, however, will not excite our wonder, when we recollect the general state of politics in Europe at this period. The grandeur of Louis XIV. had now attained its highest point of elevation. Since the conclusion of the treaty of Nimeguen, the pride and insolence of that monarch knew no bounds ; and the nations of Europe were concerting measures to reduce the exorbitant power of France within its proper limits. The accession of England to this confederacy was the object of general and eager desire : and as James
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was believed to be actuated by an higher sense of national honor and interest than the late king, and by that jealousy of the power of France which was naturally to be expected from a king of England ; nothing could be more unseasonable, or more opposite to the political views of the principal courts of Europe at this juncture, than a serious intention in James to re-establish the catholic religion in his dominions ; which would inevitably be the means of involving him in domestic contentions of the most alarming kind ; and which would not only effectually preclude every idea of his becoming a party in the grand confederacy now actually forming, but ultimately reduce him, perhaps, to the necessity of throwing himself into the arms of France, by whose assistance alone these dangerous projects could ever be carried into execution. The reigning pontiff Innocent XI. was, in consequence of a recent quarrel, inflamed with animosity against Louis, and devotedly attached to the interests of the house of Austria. And being, moreover, a man of sense and temper, he plainly perceived that the king was not only pursuing measures manifestly incompatible with the political sentiments which he affected to embrace, but which would probably terminate in the ruin of himself and of the religion to which he was so passionately devoted. He counselled him, therefore, to regulate his zeal by the rules of prudence and discretion, and to endeavor, by mildness and moderation, insensibly to effect what force and violence would attempt in vain. Ronquillo, the Spanish ambassador in England, also inculcated the same lessons of wisdom ; which were entirely disregarded by James, who was under the absolute government of the priests by whom he was surrounded, and who were continually urging the necessity of adopting vigorous and decisive measures, in order to accomplish the great work of national conversion during the lifetime of the king, as their labors would otherwise be rendered wholly ineffectual. The general disposition of the people, which was at this time patiently, or rather stupidly,

stupidly, passive, encouraged the king to venture upon measures, which his long experience of the English nation, if he had been a man capable of reflection, must have convinced him would sooner or later arouse that dormant but unconquerable spirit of resistance to regal tyranny, which had for so many centuries distinguished the inhabitants of this island.

In the month of May, 1685, the parliament was convened; and so low was the credit of the whigs and exclusionists now fallen, and such the success of the measures employed by the court to influence or intimidate the electors throughout the kingdom, that the king declared, upon inspecting the returns, that there were not above forty members chosen but such as he himself wished for. It is superfluous to add, that the religion and liberties of the nation were never exposed to more imminent danger, than under the government of such a king, and the guardian care of such a parliament. By not only settling upon James for life the revenue which determined at the decease of the late monarch, but by new grants, which raised the entire receipt of the exchequer to the annual sum of two millions, they virtually passed a law rendering parliament in future wholly useless. For this revenue, with prudence and economy, was fully equal to the ordinary exigencies of government; and James was now at liberty to prosecute his schemes free from the apprehension of parliamentary check or control. The speaker of the house of commons, however, on presenting the money bills, ventured to inform the king, "that on giving his majesty this signal proof of their loyalty and affection, they shewed how entirely they relied upon his majesty's royal word and repeated declarations to support the protestant religion as professed by the church of England, which was dearer to them than their lives."—A manifest and decisive proof of that national abhorrence of popery arising almost to phrensy, which could influence this assembly, in other respects so obsequious and
abject,

abject, to express their feelings in language so bold and energetic. The king received this compliment in rude and ungracious silence. To compensate for a freedom so unwelcome, a bill was introduced into the house of commons, by which any thing said to disparage the king's person and government was made treason. This dangerous bill was very ably and strongly opposed by serjeant Maynard, one of the few whigs sitting in this parliament, who displayed in striking colors the fatal consequences which would result from any deviation from the famous statute of Edward III. by which an overt act was made the necessary and indispensable proof of treasonable intentions. "If words alone could by any construction of the law be converted into treason, he affirmed that no man's life, or liberty, or property, could be secure. Words were so liable to be misunderstood and misrepresented, and, by a very small variation, might be made to convey a sense so contrary to what was intended, that a law like this, which seemed expressly calculated for an instrument of tyranny, would be a virtual surrender of all our privileges into the hands of the sovereign." These arguments could not but make some impression upon the house, callous as it seemed to the feelings of honor, and regardless of the national interest or safety; and great debates ensued, which were suddenly interrupted by the intelligence of the duke of Monmouth's arrival in the West, with an hostile armament from Holland. The commons instantly voted an address, assuring the king of their resolution to adhere to him with their lives and fortunes; and after passing a bill of attainder against the duke, and granting a supply of 400,000*l.* for the suppression of this rebellion, they determined upon an adjournment.

Immediately on the king's accession, the prince of Orange, knowing the inveterate animosity of James against the duke, who had for some time past resided at the Hague, thought it expedient to give him his dismissal. The duke retired to Brussels; but being pursued thither also by the unrelenting

relenting jealousy of James, he adopted a sudden and rash resolution to attempt an invasion of England, at a season in every respect unpropitious to such an enterprise. At his first landing at Lyme, in Dorsetshire, he counted scarcely a hundred followers; but so great was his popularity, that in a few weeks he assembled with ease an army of several thousand men, and found himself in a condition to give battle to the king's forces, encamped under the command of the earl of Feversham at the village of Sedgemoor, near Bridgewater. Though his raw and undisciplined troops displayed surprising valor and intrepidity in the attack, they were at last overpowered by the superiority of numbers and of military skill. Monmouth himself was taken in the pursuit; and though he implored the king's mercy—that mercy which he could never hope to obtain—with an earnestness and importunity by no means corresponding with the spirit and gallantry by which he had been formerly distinguished, he suffered death on the scaffold with calm resolution and constancy, professing to consider himself as a martyr for the people.

The fate of this amiable and accomplished nobleman cannot be contemplated without emotions of grief and compassion. Educated in the bosom of a corrupt and dissipated court, and possessed of every exterior and personal advantage, he had imbibed just and noble sentiments respecting the nature and ends of government. His capacity, which was rather below than above the common level, did not qualify him for taking the lead in the opposition to the court during the latter years of the reign of Charles II. but he zealously concurred in all the measures adopted by the patriots at that period, and in the obstinate and reiterated efforts to carry into effect the famous Bill of Exclusion: after which, as there is reason to believe, he flattered himself with the hope of obtaining an act of legitimation, which would pave his way to the crown. The king however constantly denied that any contract of marriage had taken place

place between Lucy Walters, mother of the duke, and himself. And this marriage, the report of which gained great credit amongst all ranks of people, and which was never contradicted by clear or demonstrative evidence, still remains involved in some obscurity. The duke was uncommonly handsome in his person, and engaging in his manners; and his disposition was naturally open, affable and generous. He had acquired the affections of the people to a very high degree; and the king his father was perceived by the duke of York and his adherents, not without the utmost chagrin, to be still passionately fond of him, notwithstanding all his political offences. Monmouth, in his public manifesto, charged the king with the burning of the city of London, with the popish plot, the murder of Godfrey, the death of the earl of Essex, and even with the poisoning of the late king. These extravagances gave great offence to all moderate and reasonable persons; and the duke was joined by very few above the lowest rank and condition of life—the folly and temerity of this ill-concerted and ill-conducted attempt being too apparent.

The barbarity, however, as well as the number of the executions which ensued on the suppression of this rebellion, far exceeded any severities of the kind recorded in English history. The savage and infamous Jeffries was expressly selected by the king himself, at the ensuing assizes, as the judge best qualified to display the terrors and inflict the vengeance of the law upon the devoted inhabitants of the western counties. “After the defeat of Monmouth,” says a late historian,* “juries were overborn, judgment was given with precipitation, and the laws themselves were openly trampled upon by a murderer in the robes of a lord chief justice.” The king delighted to recount the exploits of what he affected to style “Jeffries’s campaigns,” in which many hundreds suffered under the hands of the common
d executioner;

* Granger. Biog. Hist. Eng.

executioner, after the mockery of a trial, in which the innocent and the guilty were almost indiscriminately involved in one common fate.

The earl of Argyle, who had, through the machinations of the duke of York, been convicted in the preceding reign of high treason, on the most frivolous, or, to speak more properly, the most villanous pretences—and who, on making his escape from the castle of Edinburgh, had since lived as an exile in Holland—attempted an invasion of Scotland in concert with Monmouth, and appeared, unsupported by any adequate force, in the Western Highlands, nearly at the same time that the duke landed in a state equally destitute on the southern coast of England. This feeble attempt was suppressed with very little difficulty; and the earl, being taken, was executed, without any trial, on his former sentence. Ayloff and Rumbold, who had been concerned in the Rye-house conspiracy, accompanied Argyle on this expedition, and suffered also with him the penalties of the law. They appear to have been men of upright intentions, and of undaunted resolution. The latter at his execution declared himself a friend to a monarchical rather than a republican form of government, but the determined enemy of tyranny in every form. Ayloff was conveyed to London, under the idea of his being able to make some important discoveries, and was examined by the king in person, who took great pains to extort a confession from him, though to very little purpose. Irritated by the sullen obstinacy of the prisoner, the king at length said, “Do you not know that it is in my power to punish, and in my power to pardon?” To which Ayloff replied, “I know it is in your *power* to pardon, but not in your *nature*.” This magnanimous indiscretion only served to hasten the execution of his sentence.

So elated was the king with the continual flow of success which he had experienced from the commencement of his reign, that he seemed to think it scarcely necessary to keep up any appearance of regard to his most public and solemn engagements.

engagements. On the re-assembling of parliament in November, 1685, he told the two houses without reserve, "That, having found the militia during the late disturbances of little use, he had levied an additional body of regular forces, for which he demanded an additional supply; and that he had dispensed with the Test laws in favor of a great number of catholic officers employed by him, and of whose services he was determined not to be deprived." Openly insulted by this declaration, the house of commons began at length to exhibit some faint symptoms of political animation; and, after passing the vote of supply, they resolved upon presenting an humble address to the king against the dispensing power: to which the king replied in the most haughty and contemptuous terms—declaring, "that he expected no opposition, after having so positively made known his will upon that subject." This cowardly and servile assembly was thrown into consternation at this reply. It was followed by a long and profound silence: and when one of the members at last rose up and said, "that he hoped they were all Englishmen, and not to be frightened by a few hard words," the house voted that he should be committed to the Tower. On their next meeting, they proceeded to establish funds for the payment of the subsidy, and prepared to pass a bill for indemnifying those who had incurred the penalties of the Test. But so highly did the king resent this feeble show of opposition, that he immediately prorogued, and at length dissolved, the parliament. As it was impossible however that any parliament more devoted to the court could be chosen, it was universally understood, that his intention was for the future to govern without parliaments. And all those who dared to avow themselves inimical to the repeal of the Test Laws, whatever were their merits in other respects, were dismissed from his service; amongst whom were the marquis of Halifax and the earl of Rochester, who for a time seemed to possess the highest share in the king's favor and confidence.

Affairs were now chiefly committed to the management and direction of the earl of Sunderland, a nobleman of singular address and capacity, but wholly devoid of honour or of rectitude; bold, artful, insidious, and disposed or rather determined to go all lengths with the court, in order to compass the objects of his unprincipled and immeasurable ambition. As a parliamentary repeal of the Test Laws could not be obtained, it was thought necessary that the dispensing power of the crown should be established by a solemn judicial decision. For this purpose, a domestic of sir Edward Hales, a distinguished catholic, who held a commission in the army, was directed to inform against his master for non-compliance with the Test, and to claim the reward of 500*l.* given by law to the informer. Before this interesting cause came to a hearing, the judges were privately and separately tampered with, and such of them dismissed as would not consent to recognise the legality of the dispensing power. In favor of this most alarming and unconstitutional assumption of authority, it was argued by the court lawyers, "that the exercise of it was very antient in England; and that the parliament itself had more than once acknowledged this prerogative of the crown. The great oracle of the English law, sir Edward Coke himself, asserts, that no statute can impose such a disability of enjoying offices as the king may not dispense with; because the king from the law of nature has a right to the services of all his subjects. Nor can the dangerous consequences of granting dispensations be ever allowably pleaded before a court of judicature. Every prerogative of the crown admits of abuse. Should the king pardon all criminals, the whole frame of civil polity must be dissolved. Should he declare perpetual war against all nations, inevitable ruin must ensue. Yet these powers are equally entrusted to the Sovereign; and we must be satisfied, as our ancestors were, to depend upon his prudence and discretion in the exercise of them." Lord chief justice Herbert, who presided on this extraordinary occasion, assumed as certain and incontrovertible.

controvertible propositions, "that the laws were the king's laws; that the king might dispense with his laws in case of necessity; and that he was the sole judge of that necessity." To these accommodating and courtly doctrines it was indignantly answered, and to the entire approbation and conviction of the far greater part of the kingdom, "that it was false to say, the dispensing power of the crown had ever been established by law—that, in cases of real utility or necessity, the exercise of that power had indeed long been submitted to—and that, in the turbulence of the Gothic and feudal ages, it formed a salutary though certainly an irregular branch of the royal prerogative. For, that the legislature did not even in those dark and barbarous times acknowledge the legality of this power, or at least of the unlimited exercise of it, appears from an act of parliament passed in the reign of king Richard II. which expressly granted to the king the power of dispensing with the statute of provisors for a limited time. The practice of antient times was however in present circumstances of small importance. The constitution had, in the course of many successive reigns, been gradually altered and improved. The principles of government, and the great ends of government, were now much better understood than at any preceding period. The danger of admitting this extravagant claim of the crown had become fully apparent; and in the last reign it had been solemnly condemned by parliament, and virtually relinquished by the sovereign. Shall it now be revived, and passively submitted to, when the object in view clearly, and almost avowedly, is not to moderate the rigors of public justice, or to gratify the feelings of royal benignity, but to sap the foundation of that impregnable barrier which the wisdom of the legislature had erected for the protection of the religion and liberty of the state, and which bade defiance to the efforts of open violence? Let the language of the lawyers, and the precedents adduced by them, be what they may, it is preposterous and contrary to common sense to suppose, that a law enacted for
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the express purpose of guarding against the designs of the crown can be dispensed with at the pleasure of the crown. In a word, the question, with every true Englishman, is not, what has been the practice of former times, in different situations and different circumstances ; but, what the actual situation and present circumstances of the nation demand. And who will be absurd and ridiculous enough to maintain that the guardians of their country, and the defenders of its religion and liberties, are bound to make a laborious research into musty parchments and antiquated precedents, in order to ascertain whether they may lawfully resist a claim, which, if once fully established, would supersede all law, and render all precedents useless ?" In conclusion, the judges gave it as their unanimous opinion, that the dispensing power was a legal and indefeasible branch of the royal prerogative, and the nation saw with amazement this new triumph of despotism.

In consequence of the general alarm now excited, and the refractory spirit displayed by the most zealous royalists, and even by the clergy of the establishment, relative to the Test, the court affected to adopt a new language ; and the wisdom, the justice and the expediency of an universal toleration in religion became on a sudden the prevailing and favorite topics of discourse. This language was intended, as indeed it was well calculated, to gain the confidence and conciliate the affection of the protestant dissenters, by whose assistance the king was now eagerly desirous to accomplish that object to which the more obedient and submissive sons of the church appeared so decidedly hostile. With this view, the corporations throughout the kingdom were entirely new-modelled ; and the king's once-zealous partisans, the high churchmen and anti-exclusionists, were discarded, in order to make room for his determined adversaries, the whigs and dissenters ; and, for the most part, such as had most distinguished themselves by the violence of their animosity against him. The king was perpetually exclaiming with affected abhorrence against
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the oppressive proceedings of the late reign respecting the non-conformists; and reproaching the church with those acts of cruelty of which he was known to be himself the principal instigator. He ordered an enquiry to be made into all the vexatious suits by which the dissenters had been harassed in the ecclesiastical courts, and the illegal compositions extorted from them as the purchase of redemption from farther persecution. At length he ventured to issue an absolute and plenary declaration of indulgence, including an entire suspension of all penal laws in matters of religion: and asserting the service of all his subjects to be due to him by the laws of nature, he pronounced them all equally capable of employments, and suppressed all oaths and tests that restrained or limited that capacity.

The dissenters had so long groaned under the rod of spiritual and temporal tyranny, and their minds were so embittered against those whom they regarded as the authors of all their sufferings, that it cannot be thought very marvellous they should discover some symptoms of temporary satisfaction, or rather exultation, at this return of prosperity, not very consistent with that jealous regard and firm attachment to the principles of constitutional liberty which they had uniformly professed, and by which their conduct had been in general distinguished. To ingratiate himself farther into their good opinion, the king, and the courtiers who were most in his confidence, talked much and loudly of the popular laws which were intended to be enacted in the approaching parliament, and of the additional securities by which the liberties of the subject would be guarded. In consequence of these artifices, numerous addresses were presented by the sectaries, containing very ample and indiscreet protestations of gratitude and loyalty.

But the more intelligent and respectable persons amongst them viewed these gross and palpable attempts to deceive, with contempt and indignation. The king having signified to the new lord mayor of London, who was a professed dissenter,

sender, and appointed by royal mandamus to that office, that he was at liberty to use what form of worship he pleased in Guildhall chapel, that magistrates scrupled not to offer an open affront to the king's authority by referring the legality of this permission to the decision of council, by whom it was pronounced null and void. And the lord mayor had the prudence and moderation usually to attend the established worship during his mayoralty. Also, to shew their contempt of the dispensing power assumed by the king, he as well as the new court of aldermen qualified themselves for holding their offices agreeably to the requisition of the Test laws. The anniversary of the gunpowder treason was likewise commemorated as usual, by order of the new magistracy, to the great displeasure of the court. And when the sheriffs by command of the king invited the nuncio, who about this period arrived from Rome, to the lord mayor's feast, an entry was made in the corporation books, that it was done without the knowledge or approbation of the magistracy. Incensed at these repeated marks of disrespect and disaffection, the king declared, "that the dissenters were an ill-natured and obstinate people, not to be gained by any indulgence." In order, however, to carry on the farce of moderation and toleration, the French refugees, who now arrived in great numbers in England upon the repeal of the edict of Nantz, were received with favor, and treated with great ostentation of kindness. But this made little impression upon the minds of the generality of the people, who saw plainly, by the manner in which affairs were at this very time conducted in Scotland and Ireland, how little was to be expected from the king's lenity, could he once establish his authority upon a firm foundation in England.

In the summer of 1686, the earl of Murray, a new convert to the catholic religion, was commissioned to hold a parliament at Edinburgh; and the king by his royal letter recommended in very urgent terms the repeal of all penal laws and tests relative to religion. Though the object of the
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court was apparent to all, and though the Scottish bishops had been hitherto actuated by an unrelenting spirit of persecution ; they exerted on this occasion all their eloquence to persuade the parliament to comply with the king's request, or rather demand : but nothing farther could be obtained than a suspension of those laws during the life-time of the king. This concession, though a very important one, was rejected with disdain by James, who dissolved the parliament in great wrath : and, by the express command of the king, the archbishop of Glasgow, and the bishop of Dunkeld, who had dared to oppose the motion of repeal, were deprived of their bishoprics ; for which no other motive was assigned but that such was the king's pleasure. In Ireland, the earl of Clarendon was removed from the office of lord lieutenant, and the earl of Tyrconnel nominated as his successor ; a most bigoted papist, and a man of such savage ferocity, that even the moderate catholics in England expressed great apprehension and uneasiness at this appointment. And lord Bellasis, who succeeded the earl of Rochester in the treasury, did not hesitate to affirm with an oath, " that Tyrconnel was fool and madman enough to ruin ten kingdoms." This man had, without deigning to seek any colorable pretext, cashiered all the protestant officers in the Irish army, and had put the catholics in entire possession of all the offices of government. He was preparing measures to pack a parliament which should repeal the Act of Settlement, and empower the king to restore all the lands of Ireland to his catholic subjects. Rice, chief baron of the exchequer, in menacing terms declared " that he would drive a coach and six horses through the Act of Settlement." And Fitton, a wretch convicted of the crime of forgery, and raised from a goal to the dignity of chancellor of Ireland, and who was the principal adviser of Tyrconnel, as well as the chief instrument of his tyranny, scrupled not publicly to affirm from the bench, " that the protestants were all rogues ; and that there was not one in forty thousand of them who was not a traitor and a villain."

Affairs also in England began every day to wear a most serious and alarming aspect, and seemed manifestly hastening to a crisis.

By virtue of the royal supremacy, a new ecclesiastical court was established in direct opposition to the act of 1640, by which the former court of high commission had been abolished, and which expressly prohibited its revival in any form. This court, consisting of the archbishop of Canterbury, the bishops of Durham and Rochester (Crew and Sprat,) the lord chancellor Jeffries, the lord treasurer Rochester, and the lord chief justice Herbert, was empowered to proceed discretionally in a summary way in all ecclesiastical matters, any law or statute to the contrary notwithstanding. And they did not long wait for an opportunity of exercising their authority. Dr. Sharpe, rector of a parish in the diocese of London, and a very popular preacher of those times, ventured, in direct opposition to the royal injunction expressly prohibiting all controversial topics in the pulpit, to expose and confute the errors and absurdities of popery without reserve, in a sermon preached by him in his own parish church; and took occasion to speak in contemptuous language of those who were weak enough to embrace a religion supported by arguments so futile and frivolous. This was immediately reported at court, and represented as a personal reflection upon the king; and the earl of Sunderland sent an order to the bishop of London in the king's name, requiring him to suspend Sharpe immediately, and then to examine judicially into the truth of the allegation against him. The bishop replied, that he had no power to proceed in such a summary way; but if an examination were regularly brought into his court, he would inflict such censure as could be warranted by ecclesiastical law. In consequence of this refusal the bishop himself was cited before the commissioners, and suspended for contumacy and disobedience to the king's authority: and Jeffries, for his eminent services recently advanced to the chancellorship, treated this prelate with a rudeness and insolence which inflamed the minds of the public still more than the sentence itself.

itself. Even the princess of Orange, for presuming to intercede with the king in behalf of the bishop, who had long stood high in her esteem and favor, was severely reprimanded for interfering in affairs with which she had no concern.

As if the king had formed a determination to involve himself every day in some new difficulty, a royal mandate was sent to the university of Cambridge, requiring the degree of master of arts to be conferred on father Francis, a benedictine monk. The university, plainly perceiving that by a compliance with this mandate a door would be opened for the admission of papists, who would soon become a majority of the senate, peremptorily refused to obey the king's order; and the vice-chancellor was summoned before the ecclesiastical commissioners to answer this contempt; and by sentence of the court was ejected from his office. The king also chose this opportunity to engage in a quarrel of a still more serious nature with the university of Oxford. That learned body had a few years before passed a solemn decree in full convocation, approving and confirming the doctrines of passive obedience and non-resistance in the most explicit terms. The time was now arrived to demonstrate the difference between the theory and practice of these absurd principles. The president of Magdalen college, one of the richest foundations in the university, dying at this juncture, a mandate was sent in favor of one Farmer, a papist, and a man in other respects by the statutes of the college ineligible to the office. The fellows of the college made submissive applications to the king to recall his mandate. But the king not deigning to notice them, they unanimously chose Dr. Hough, a man eminent both for virtue and ability, and who afterwards filled with distinguished reputation the see of Worcester. The new president and fellows, being cited before the ecclesiastical commissioners for this contumacy, brought allegations against Farmer of such a nature that the court did not deem it expedient to insist upon their nomination. But affirming that the college ought to have shewn
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more respect to the king's letter than to proceed to an election in opposition to it, the commissioners took upon them to declare Hough's election null, and to put the house under suspension. And a new mandate was issued in favor of Parker, an abject tool of the court, and lately created bishop of Oxford. The college humbly represented, "that a president having being already legally chosen, it was not in their power to deprive him of his office, or to substitute any other in his place—that, even in case of a vacancy, Parker did not possess the statutable qualifications which by oath they were bound to observe; and, as their loyalty had been ever conspicuous, they entreated his majesty to believe that their present opposition to his royal will arose solely from their inability to conform to it." No impression however was made on the haughty and inflexible disposition of the king by these arguments; and, in a visit which he made to the university not long afterwards, he sent for the president and fellows to attend him in person, and in high and menacing language commanded them without further excuse or delay to choose Parker for their president. As the college still refused to degrade themselves by compliance, the new president was at length rejected by open violence. The doors of his house were broken open, and Parker by a forcible seizure put into possession. The fellows, excepting two, who were base enough to submit, were likewise deprived of their fellowships, which were without any process of law bestowed upon men entirely devoted to the king's will and pleasure; and who, on the sudden death of Parker, chose one Gifford, a doctor of the Sorbonne, as their president, who was also nominated to the vacant see of Oxford.

This act of undisguised despotism inflamed the minds of all ranks and orders of men with anger and indignation. Fellowships being, by the universal consent of the lawyers, of the nature of freeholds, it was evident that no man's property was secure, and that nothing less than the absolute subversion of the whole frame and constitution of government

was to be apprehended. Popery could only be established by tyranny ; and the nation began now in earnest to consider of the means of resistance. And the eyes of all seemed fixed as with one consent on the prince of Orange ; from whom alone timely and effectual relief could be expected in this season of difficulty and danger. This daring outrage, however, was quickly followed by a transaction still more extraordinary, and which displayed the infatuation and extravagance of the king in colors still more striking and vivid.

A second declaration of indulgence was published in terms not materially different from the former : and to this declaration an order was subjoined, that it should be read in all the churches throughout the kingdom immediately after the celebration of divine service. This mandate being justly regarded by the clergy as a direct and flagrant insult upon their order, by virtually making them the instrument of the ruin of that church of which they were ordained the ministers ; they almost unanimously resolved, notwithstanding their rooted prejudices in favor of royalty, to refuse obedience to this injunction. Sancroft, archbishop of Canterbury, a man of high monarchical principles but of inflexible integrity, after consulting such of his brethren as he could convene on this emergency, agreed with them to present a petition to the king against the declaration of Indulgence ; stating in the most submissive terms their reasons why they could not, as they expressed themselves, in prudence, honor, or conscience, so far make themselves parties to it, as a distribution of it all over the nation, and the solemn publication of it, once and again, even in God's house and in the time of divine service, must amount to in common and reasonable construction." The king received this petition with vehement marks of indignation. He told them " he was their king, and would be obeyed, and that they should feel what it was to dispute his authority."

After the delay of a fortnight, during which interval the most moderate even of the catholics attempted in vain to soften

soften and abate the anger of the king ; the bishops, who were seven in number, were cited to appear before the privy council. The petition being produced, they were asked whether they would acknowledge it as their petition. To this, after some hesitation, they answered in the affirmative ; upon which a warrant was made for their commitment to the Tower, and the crown lawyers received orders to prosecute them as the authors of a seditious and scandalous libel. The passions of the people were now completely roused ; and when the day fixed for the trial of these venerable confessors arrived, the result of it was expected with inexpressible ardor and anxiety. According to the positions maintained by the generality of lawyers, a verdict ought to have been found against the bishops without hesitation. For it is affirmed, that the law of England allows jurors to be judges only of the fact, and leaves all questions of law to be determined by the courts of law. The fact in this case was indubitable ; the bishops had expressly avowed themselves the authors of the petition : and if the question of law, whether it were seditious or libellous in its tendency, were referred to the court, it may easily be conjectured in what manner it would have been decided. Happily, to the sophistry and subtlety of legal refinement common sense may be ever successfully opposed ; and common sense teaches us that, when the question of law is so involved and blended with the matter of fact, that the fact itself, as containing a criminal allegation, can only be ascertained by deciding upon the point of law, then it is not merely the privilege but the duty of a jury, according to the best lights which they are able to attain, to include both in one general verdict ; otherwise juries in such cases become wholly superfluous, insignificant and contemptible. “ The traitorous or evil intent,” says sir Matthew Hale in his Pleas of the Crown, “ is the very gist of an indictment, and must be answered by the plea of not guilty : and the jury are bound to take notice of the

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the defensive matter adduced to disprove the allegation, and to give their verdict accordingly.—It would be,” adds this great magistrate, “ a most unhappy case even for the judge himself, if the defendant’s or prisoner’s fate depended upon his directions. Unhappy also for the prisoner ; for, if the judge’s opinion must rule, the trial by jury would be useless.”

After a trial of near eleven hours, succeeded by a consultation of the jury which lasted the whole night, the bishops were pronounced “ Not guilty ;” to the infinite joy and satisfaction of the surrounding multitudes, who filled the air with shouts and acclamations. And this victory over a monarch who had now incurred the general detestation of his subjects, was celebrated by illuminations and public rejoicings throughout every part of the kingdom. The king, who was at this period with the army, encamped as usual for several summers past on Hounslow Heath, was suddenly alarmed with the appearance of a general tumult amongst the soldiers, accompanied with wild and extravagant demonstrations of joy. Upon enquiring the cause of the earl of Feversham, he was told, “ that it was nothing but the rejoicings of the soldiers for the acquittal of the bishops.”—“ Do you call that nothing ?” said the king. “ But so much the worse for them.” Subsequent circumstances, however, happily did not allow him to execute the designs, whatever they might be, which his malignant revenge at the moment suggested.

The policy of James in thus collecting his forces together in one body, was much questioned by the most sagacious of his own adherents. By enjoying the perpetual means of social intercourse, they encouraged and animated each other to resist the farther progress of despotism, and not to suffer themselves to be made the vile and passive instruments of enslaving their fellow-subjects and of extirpating the protestant religion. The spirit by which the army was actuated, appeared on a variety of occasions ; but the king was as a man walking

walking on the edge of a precipice, obstinately and wilfully averting his eyes from the view of the danger. Having determined to recruit and augment his army from Ireland, the attempt was first made on the duke of Berwick's regiment. The lieutenant-colonel and five of the captains strongly remonstrating against the admission of Irish papists into the army, the order was renewed in terms the most peremptory, and the duke of Berwick sent in person to see it enforced; upon which the officers desired leave to lay down their commissions. The king, transported with passion, commanded them to be tried by a court-martial for mutiny: and they were broken with disgrace, and declared incapable of future service. With the evident design of procuring a parliamentary repeal of the penal statutes by intimidation, if not by open force, the king condescended to communicate to the army his sentiments respecting this important object, and required them to satisfy him as to their willingness to concur with him in the measures which he should adopt for that purpose. The first battalion upon whom this singular experiment was made, on being commanded to lay down their arms provided they did not think proper to enter into his majesty's views on this point, without hesitation grounded their arms accordingly. The king declined any farther trial, and sullenly told them, that for the future he would not do them the honor to apply for their approbation.

Undismayed, however, by all the indications of the public odium and indignation, which became every day more and more apparent, he resolved to send the earl of Castlemaine to Rome, in the character of ambassador extraordinary, for the express purpose of declaring in the most public and solemn manner the obedience and submission of the crown of England to the pope, and of reconciling the British realms to the holy and apostolic see. Instead of meeting with a reception corresponding to the dignity and importance of his embassy, this nobleman was treated with a coldness and indifference approaching to contempt. The court of Rome (which at this period

period as well as at most other times made their religion entirely subservient to their politics,) fully apprised of the egregious indiscretion of James, were careful not to give unnecessary umbrage to the English nation, the perpetual rival of France, merely to gratify the senseless bigotry of a monarch whose crown seemed already tottering upon his head.

The earl had it expressly in charge from the king, to solicit a cardinal's hat for father Petre, a jesuit, who had acquired a wonderful ascendant at the English court, and who was generally considered as the secret but principal adviser of the late desperate measures. But the pope replied, that he had made it a rule never to raise any of that order to the purple. The ambassador also urged the ministers of the pope to make satisfaction to the king of France, with whom his holiness had been long at variance; and gave intimations of a project secretly entertained by the king of England, in concert with the king of France, for the utter extirpation of heresy. Perceiving his remonstrances neglected, he demanded an audience of his holiness, in which he expressed his grief and astonishment that so little regard was paid to the representations of these two great monarchs. He even presumed to throw out some personal reflections on the holy pontiff himself, as apparently negligent of spiritual concerns, and engrossed wholly in temporal pursuits, which, he said, had given just cause of scandal to all christendom. And he concluded with a declaration, that, since the remonstrances and representations made in his master's name were so little attended to, he should hasten his departure to England. The pope replied laconically, "that he might do just as he thought proper." But on quitting his presence, he caused it to be signified to him "that it was the last private audience with which he would be indulged—that his holiness highly resented the disrespect he had been treated with, which was such as he had never before experienced from any other person on any occasion." The ambassador soon afterwards giving formal notice of his resolution to return, and requesting to

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know if his holiness had any thing to give him in charge, it is said the pope sent him word, "that he had nothing to trouble him with but his advice to travel in the cool of the morning, as the heat of an Italian sun might be prejudicial to his constitution." And thus ended this expensive, fruitless, and ridiculous embassy.

The prince and princess of Orange had hitherto with great prudence abstained from taking any active part in the affairs of England, in order to avoid giving any just ground of offence to the king. But they were now constrained by direct and repeated applications of the king himself, who earnestly wished to procure their consent to the parliamentary abolition of the Test and Penal Laws, to make an explicit declaration of their sentiments respecting those topics. And pensionary Fagel, by command of their highnesses, returned a written answer to Stuart the confidential agent of his majesty, "that it was the unalterable opinion of their highnesses, that no man should be exposed to any species of persecution merely on account of his adopting a faith different from that of the state. They freely consented therefore to the repeal of the Penal Statutes; but, as to the Test Laws, they regarded them as by no means of a penal nature, but as just and necessary precautions for the security of the established religion, which would obviously be exposed to the most imminent danger should these bulwarks of the national church be removed."*

The king was highly incensed at this refusal, and declared that he would not accept of the repeal of the Penal Laws, unaccompanied by that of the Test. He said, he was
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* On the authority of this declaration, bishop Sherlock has affirmed in unqualified terms, contrary to known and established facts, that king William was adverse to the repeal of the Test Laws. In reply to the arguments and solicitations of James, the prince and princess of Orange very properly distinguish between the *principle* of the Penal Laws and that of the Test Laws. The object of the first is the forcible suppression of
non-conformity

the head of the family ; and that the prince ought to conform to his will, instead of which he had constantly opposed him. The king also affected great displeasure against the states of Holland, and appeared eager to seek occasions of quarrel. On the other hand, the prince, finding that he had wholly lost the favor of the king, and perceiving that the period was at length arrived when he might exert himself with dignity, propriety and effect, scrupled not to dispatch Dykvelt, a man of capacity and address, into England for the purpose of establishing a correspondence with the leaders of all the different parties—assuring them of the prince's earnest desire to preserve the constitution inviolate both in church and state, and to concur with them in any measure which they deemed conducive to the public interest or safety.

About this period happened an event, which greatly tended to accelerate the progress and facilitate the success of these secret negotiations. This was no other than the birth of a prince of Wales, June 10, 1688. Such had been the unparalleled infatuation displayed by the king throughout the whole course of his reign, that it cannot be thought strange he should by the generality of his subjects be deemed capable of the crime of imposing upon the nation a supposititious child, in order to ensure the accomplishment of those projects, which he now began to despair of being able to effect within the compass of his own life. It tended strongly to corroborate this suspicion, that the queen had

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non-conformity as a species of criminal disobedience ; of the second, a just and necessary regard to self-preservation against the attacks of a dangerous adversary. While the danger existed, to have consented to the repeal of the latter would have been making themselves accessory to the national ruin. But when the Revolution had taken place, and the safety of the nation was secured, the civil and political disabilities created by the Test, not being warranted by a real and urgent political necessity, were converted into acts of oppression and persecution ; and that great monarch displayed his justice, wisdom and generosity in the efforts made by him to obtain their repeal.

been for several years in an ill state of health, and was now supposed incapable of bearing children. During the months of pregnancy, and at the birth, sufficient care was not taken to obviate the jealous surmises which were known to be entertained; but which the pride of the king and queen prompted them to treat with disdain. After the reports, at first whispered abroad, were more loudly and generally circulated, and acquired great and increasing credit, attempts were in vain made to ascertain with legal precision the reality of the birth; though there is certainly no just or reasonable ground to stain the memory of this prince, however odious or contemptible, by imputing to him a design so flagrantly criminal. The prince of Orange, who perceived in consequence of this event the prospect with which he had been so long flattered, of succeeding to the British crown after the demise of the king, suddenly and unexpectedly vanish, was no longer inclined to keep any measures with the English court. And he was now incited no less by ambitious than patriotic motives to divest the king of that authority which he had so grossly abused; and a great share of which must, in case of a Revolution in the government, naturally devolve upon him. The English nation, on the other hand, after the birth of an heir-apparent, saw no possible refuge or resource from the despotism with which it was threatened, but in the courage, ability and virtue of the prince of Orange, who was at the same time best qualified and best entitled to take the lead in the plan of resistance now determined upon. Invitations to the prince for this purpose from a great number of persons of the first rank and consequence in the kingdom were carried over by Zuylestein, on his return to Holland from an embassy of compliment which the prince, to preserve the faint appearance of amity, had sent to the king on the birth of his son.

It is remarkable, that even Sunderland himself, from whose sagacity and penetration these intrigues could not be concealed, far from displaying that firmness and decision

which

which were necessary to extinguish or counteract them, entered into a secret correspondence with the prince, and encouraged him to undertake this enterprise. Fully sensible of the dangerous predicament in which he stood, and filled with doubts and fears respecting the issue of the approaching conflict, this minister exerted all the arts of his insidious policy to provide for his personal safety, whether it terminated in favor of the prince or of the king. Whilst he corresponded with the prince therefore, and directed the royal councils in the manner most likely to facilitate the success of the enterprise; in order effectually to deceive the king, and to ingratiate himself still farther into his favor and confidence, he took this opportunity of declaring himself a convert to the Roman catholic religion: an artifice sufficiently gross, considering the present posture of affairs, had not the king's weakness been still more open and palpable.

The state of Europe at this period was peculiarly favorable to the enterprise now in contemplation. A warm dispute actually subsisting between the courts of Vienna and Versailles respecting the succession to the bishopric of Liege, afforded the states of Holland, who were nearly interested in the event, an opportunity of augmenting their forces by sea and land, without giving immediate cause of suspicion or umbrage. After their naval and military preparations, however, had continued some weeks without intermission, D'Avaux, the French ambassador at the Hague, advised his court, that he had good ground to believe not Liege but England to be the principal object in view. Louis immediately transmitted this intelligence to James: but the king of England treated it as a wild and incredible surmise; and repeatedly said, "that whatever the designs of the Dutch might be, he was sure they were not intended against him. The king of France, perceiving with astonishment the tranquillity of the king of England in this moment of danger, ordered his ambassador at the Hague to represent to the states, that, in consequence of the strict alliance and friendship

friendship subsisting between the two monarchs, his master would consider any hostile attempt against England as a declaration of war against himself. When this was reported to James, he appeared much displeased ; and affirmed, “ that the amity subsisting between himself and Louis was nothing different from that which usually subsisted amongst princes ; and that, if he was attacked, he knew how to defend himself without soliciting the aid and protection of France.” By the advice of Sunderland, he had before refused to accept a body of auxiliary forces which Louis was desirous to send to his assistance ; and rejected the proposal of the earl of Melfort to seize the persons of the most powerful and dangerous of the mal-contents. And in this state of unsuspecting security he remained till the end of September, when he received a letter from the marquis of Albeville, his ambassador at the Hague, informing him that pensionary Fagel had at length acknowledged that the invasion of England was the sole end of these mighty preparations. Struck with consternation, the letter dropped from his hand ; and, as if awakened from a dream, he perceived at once all the horrors of his situation. In this desperate emergency, he had recourse to the earl of Sunderland, on whose capacity and fidelity he chiefly relied. And this nobleman counselled him without delay to rescind those illegal and unpopular measures which had excited the present alarming spirit of disaffection and revolt. He now therefore eagerly offered to enter into a treaty of alliance with the states for their common security : he replaced the magistrates who had been arbitrarily removed from their offices : he restored the charters which had been annulled : he abolished the court of ecclesiastical commission : he took off the bishop of London’s suspension : he re-instated the expelled president and fellows of Magdalen College ; and he ordered writs for a new parliament to be made ready for the great seal.

These

These symptoms, not of remorse but terror, did not however prevent the prince of Orange's sailing from the Texel, November the 1st, 1688, with a fleet of 500 transports, having a large body of land forces on board, under the convoy of a strong squadron of ships of war. A superior English fleet, which lay at anchor at the Nore, were prevented putting to sea by a violent easterly gale of wind, which carried the Dutch fleet into Torbay on the 4th of November. And on the day following the prince of Orange landed his troops without the loss of a man. Advancing forwards to Exeter, he was soon joined by great numbers of the nobility and gentry of the western counties; and on the first intelligence of the prince's arrival, every part of the kingdom was in commotion. Associations were daily forming in his favor. The northern counties openly declared for him; and resistance seemed to be no where thought of. The king came down to Salisbury, where his army lay encamped: but finding that no dependance could be placed on its fidelity, and that it was rapidly diminishing by desertion, he retreated to Andover; from which place prince George of Denmark, who had hitherto attended the king's person, repaired to the head-quarters of the prince of Orange. And on the king's arrival in London, he had the inexpressible mortification to learn that his daughter, the princess Anne of Denmark, had withdrawn from court in order to put herself under the protection of the insurgents.

Not knowing whither to flee for safety, and overwhelmed with dejection and dismay, the king convened a council of all the peers and prelates who were in London; and by their advice he delegated the lords Halifax, Nottingham and Godolphin, as commissioners to treat with the prince of Orange. The demands of his highness were briefly—that a parliament might be immediately summoned—that those who were not qualified according to law, should be removed from their offices—that the Tower of London should be
consigned

consigned to the care of the citizens—that the fortresses of the kingdom should be put into the hands of protestants—that provision should be made for the payment of the prince's army—that during the sitting of parliament the armies on both sides should remain at an equal distance from the metropolis—finally, that the prince should have free access to the parliament, and be attended by the same number of guards as the king. These terms, though somewhat imperious, were fully justified by the circumstances of the case, and were by the king himself pronounced more favorable than he expected.

Instigated however by his own apprehensions, and the incessant importunities of the queen, who was terrified at the idea of a parliamentary impeachment, from which she was told that the queens of England were not exempted, James embraced the absurd and desperate resolution of retiring from the kingdom; flattering himself that the confusion which he fancied must inevitably ensue would operate to his advantage, and that he should soon be solicited to resume the government. On the 10th of December at three in the morning he left the palace of Whitehall, with sir Edward Hales, in the disguise of a servant; and proceeded as far as Feversham, where he was accidentally discovered. Upon the intelligence being carried to London, the privy council met, and ordered the king's guards and coaches to be sent to Feversham, in order to re-convey him to London; and on his arrival in the metropolis he was received with various demonstrations of joy.

The prince of Orange, who had heard of the king's departure with great pleasure, and who had, at the express desire of the nobles and privy council, assumed the executive powers of government during his absence, was extremely chagrined at his unexpected return; and a consultation was immediately held, in order to determine in what manner to dispose of the king's person. Some with equal resolution and judgment proposed to commit the

the king to safe custody, at least till a parliament should be called, and the settlement of the nation finally concluded upon. Others were of opinion, that this bold and harsh measure would have a tendency to excite the public compassion, and to turn the tide of popularity in his favor. The prince declared himself averse to compulsion, though disposed to act with firmness and vigor. And it was at length agreed, that the authority actually exercised by his highness from the period of the king's departure ought not to be relinquished ; and that the king's desertion of the nation made it improper to carry on any farther correspondence or negotiation with him. The earl of Feversham, who was sent by the king to Windsor with a message to the prince, was put under arrest ; and the lords Halifax, Shrewsbury, and Delamere were deputed by the prince with a message to the king, desiring or rather commanding him to leave the palace of Whitehall the next morning, and repair to Ham, or some other seat in the environs of the metropolis. The king enquired if he might not be permitted to retire to Rochester. This was easily acceded to ; and it was perceived with much satisfaction, that the king had another escape in contemplation. The ensuing day he was accordingly conducted to Rochester, under the escort of a military guard. Here he lingered for some days, in the faint hope of receiving a second invitation to return to the capital. The earl of Middleton, who accompanied him, urged his stay, though in the remotest part of the kingdom. " Your majesty," said he, " may throw things into confusion by your departure, but it will be but the anarchy of a month. A new government will be soon settled, and you and your family are ruined." The king's resolution, however, was fixed ; and on the last day of December he embarked on board a frigate for France, where the queen and the infant prince of Wales were already arrived. And though the king of France had no reason

reason to be highly pleased with his conduct, he had the generosity to give him a very cordial and friendly reception.

The very same day on which the king left London, the prince of Orange took possession of St. James's. After receiving the numerous congratulations presented to him from all quarters, he summoned an assembly consisting of all the nobles, prelates, and gentlemen who had sat in any parliament during the reign of king Charles II. ; and by their advice he issued circular letters to all the counties and boroughs throughout the kingdom, to elect a convention of the Estates of the Realm in the form of a parliament ; which accordingly met on the 22d of January, 1689, and, after a long and interesting debate, declared the throne of England **VACANT** ; and by a decisive majority of voices conferred the crown, now at the disposal of the nation, upon the prince of Orange, as the just reward of that patriotism and valor by which he had so gloriously rescued them from slavery and ruin.

Such was the expedition and such the facility with which a Revolution was accomplished, which in its consequences must be acknowledged one of the most interesting and important in the annals of history. From this period, a government was established, which had for its basis—what no other government had ever before expressly assumed—the natural and unalienable rights of mankind. From this period the grand question, whether government ought to be exercised for the advantage of the governors or the governed, was finally decided. Government was by the highest authority allowed, and even virtually asserted, to be *a trust*. And the inference could not with any degree of plausibility be disputed, that the men in whom this trust is vested, by whatever names or titles they may be distinguished, **ARE ULTIMATELY RESPONSIBLE TO THE COMMUNITY FOR THE PROPER EXERCISE OF IT.**

ON THE CHARACTER

OF THE

EARL OF SHAFTESBURY.*

NO character has labored under greater obloquy than that of the earl of Shaftesbury : yet he appears from the general tenor of his conduct to have deserved highly of his country ; and those parts of it which are at all questionable have been most grossly and invidiously aggravated. It is the province of History to correct these errors, and to distribute with impartial justice the awards of praise or censure. Unfortunately for the memory of lord Shaftesbury, the most eloquent historian of the age, Mr. Hume, has in relation to him imbibed all the prejudices of preceding writers, in all their virulence and all their absurdity. His ideas of this celebrated nobleman are indeed evidently and almost wholly taken from bishop Burnet, low as the authority of that prelate stands with him upon most other occasions. But what Mr. Hume remarks of the duke of Albemarle is at least as true of lord Shaftesbury, “ that bishop Burnet, agreeably to his own factious spirit, treats this nobleman with great malignity.” Mr. Hume has even copied the ridiculous notion of the bishop, that lord Shaftesbury was addicted to judicial astrology. Lord Shaftesbury is known to have entertained a dislike and contempt of Burnet ; and possessing a strong turn for humor, in order to avoid serious disquisition, he might possibly divert himself at times with the bishop’s curiosity and credulity. At the period of the Restoration, few persons stood higher in the esteem of the nation at large than sir Anthony Ashley Cooper ; and though decidedly of opinion, in opposition to general Monk, that conditions ought to have been proposed for the security of public liberty, the king, nothing offended at his warmth of patriotism, even before his coronation created him a peer by the title of lord Ashley. And in the preamble to his patent, the Restoration is expressly said “ to be chiefly owing to him ; and that after many endeavors to free the nation from the evils in which it was involved, he at length by his wisdom and councils, in concert with general Monk, delivered it from the servitude under which it had so long groaned.” He was also made governor of the Isle of Wight, chancellor of the exchequer, and lord lieutenant of

* Vide p. xiii.

of the county of Dorset : and he had, in conjunction with three other persons his intimate friends, a grant of the great estate of the Wallop family, which they afterwards nobly reconveyed to the original proprietors—the deeds of trust and conveyance being still extant.

Notwithstanding the appointment of lord Clarendon as first minister, it is perfectly well ascertained, though too superficially passed over by Mr. Hume; that the council were greatly divided in political opinion ; and that the harsh, bigoted, and arbitrary measures of that nobleman were invariably opposed by the lords Ashley, Robarts, Manchester, Holles, Annesley, secretary Morrice, &c. and even at times by the lord treasurer Southampton himself, the noble friend of Clarendon, and who was also, to the chagrin of the chancellor, not less intimately connected with lord Ashley. The earl of Clarendon was supported by the duke of York and the whole French interest, which on the other hand the chancellor espoused with strong and dangerous predilection ; as the negotiations of the count d'Estades evince beyond all controversy. On the disgrace of this minister, A. D. 1667, a new system was adopted ; the French and high church influence seemed at an end ; the triple alliance was concluded ; mild and equitable measures were recommended from the throne to the parliament ; they were exhorted by the king, “ seriously to think of some course to beget a better union and composure among his protestant subjects in matters of religion, whereby they might not only be induced to submit quietly to his government, but also cheerfully give their assistance to the support of it.” And the horrible tyranny practised, under the sanction of Clarendon in Scotland, was checked by a royal letter addressed by the king to the Scottish council, importing “ that another way of proceeding was necessary for his service.” This system continued for near three years, to the great advantage of the nation, and the proportionate indignation of the duke of York and of the whole French and popish faction ; through whose fatal influence the king, ever wavering between the two parties, was at length induced to adopt new counsels and new measures. Agreeably, however, to his refined and cautious policy, he still retained and treated with great demonstrations of regard divers of the moderate and popular leaders, amongst whom by far the most distinguished was lord Ashley, who was well known by the duke of York to be inveterate in his aversion, and inflexible in his opposition, to him and his designs. Nor is it any just subject of reproach to lord Ashley, when such men as Holles, Annesley and Robarts remained in office, that he did not immediately quit his connections with the court. Undoubtedly he flattered himself that, by a partial and external compliance with the measures of the sovereign, he and his friends might eventually recover their ascendancy. With this view he accepted, with the title of Shaftesbury, of the custody of the great seal ; not surely with a design of promoting, but of counteracting, the projects of the CABAL. He was entering, as he well knew, into a scene, not of political harmony, but of discord and confusion.

Writing

Writing several months before to his friend sir William Morrice, late secretary of state, who had retired from public life, he says, "The Lapland knots are untied, and we are in horrid storms." It is true that Buckingham and Lauderdale, who had originally professed themselves inimical to the measures of the court, now yielded a passive and abject submission to it. But this was so far from being true, or even suspected, of the earl of Shaftesbury, that he embraced a very early opportunity after his appointment as chancellor, by an incident trivial indeed in itself but decisive in its effect, to demonstrate that he was irreconcilably at variance with the York and popish faction. The duke of York had been for several years accustomed to place himself, in the house of peers, on the right hand of the throne, upon the seat appropriated to the prince of Wales. But on the opening of the session in the spring of 1673, lord Shaftesbury, as chancellor, refused to proceed to business till his royal highness had removed himself to his proper place on the left hand of the throne. This threw the duke into a vehement passion, an infirmity to which he was extremely subject; and he refused compliance in the most provoking language, using, without regard to dignity or decorum, the opprobrious terms *villain* and *rascal*. To which lord Shaftesbury, with that command of temper and readiness of retort for which he was celebrated, calmly replied, "I am obliged to your highness for not also styling me papist and coward." In conclusion the duke was compelled to submit, to his unspeakable chagrin and mortification.

When the parliament had declared their disapprobation of the new system, upon which lord Shaftesbury doubtless depended for a change of measures, without effect; this nobleman thought it necessary to express publicly his concurrence with the sense of parliament, particularly in relation to the declaration of indulgence. In the same memorable debate, lord Clifford defended the court measures with the most intemperate vehemence. At the termination of it, the duke of York is said to have whispered to the king, "What a rogue have you of a lord chancellor!" to which the king replied, "What a fool have you of a lord treasurer!" But the king, if surprised, was not enraged at the conduct of Shaftesbury. On the contrary, anxious to preserve that sort of balance in his councils on which he secretly relied for refuge and safety, and placing the highest confidence in the talents of this nobleman, he immediately gave indications of a change of system, by cancelling the declaration, and giving his assent to the Test Act, which lord Shaftesbury supported in the house of lords, in opposition to Clifford, with such energy of argument and splendor of eloquence, that Andrew Marvel, so famous for his own political integrity, observes, "Upon this occasion it was that the earl of Shaftesbury, though then lord chancellor of England, yet engaged so far in defence of that act and of the protestant religion, that *in due time* it cost him his place, and was the first moving cause of all those misadventures and obloquy which he since

since lies under." In his excellent speech to the new lord treasurer Danby, June 1673, on his taking the oaths before him in the court of chancery, he remarks, no doubt with a strong feeling of the difficulties of his own situation, "that the address and means to attain great things are oftentimes very different from those that are necessary to maintain and establish a sure and long possession of them." Lord Shaftesbury continued to be much consulted and caressed by the king during the whole interval which elapsed between the recess of parliament on the 29th March, and its next meeting, late in October. But though the king was prevailed upon to re-assemble the parliament at this juncture, adverse counsels again predominated in his ever-fluctuating mind; and lord Shaftesbury was assured that he meant to dissolve the parliament, to renew his connections with France, to continue the Dutch war, and to permit the marriage of the duke of York with the princess of Modena. That nobleman then took his final resolution; and by the language which he used at the commencement of the session he shewed how little he was disposed to keep any measures with the court. After finishing the speech which he delivered *ex officio* and by command, he expressed, contrary to the established custom, and to the indignation of the popish junto, "his own hearty wishes and prayers that this session might equal, might exceed the honor of the last—that it might perfect what the last begun, for the safety of the king and kingdom—that it might be for ever famous for having established upon a durable foundation our religion, laws, and properties." Shortly after he told the king, "that, though he was deeply sensible of the personal obligations he owed him, he was no longer able to serve him—that, had his advice prevailed, he would have engaged his life and fortune to have made him the most beloved and powerful prince in christendom; and that, seeing him in the hands of a party so contrary to the interests he had been always contending for, he was satisfied the king's next step must be to send for the great seal." The king seemed much affected, and promised never to forsake him or the protestant interest; but would not be dissuaded from his purpose of dissolving, or at least proroguing, the parliament after a session of a few days. Lord Shaftesbury predicted the dangerous consequences of this step, and the irreparable breach it must create between the king and the nation. But Charles was immovable; and instigated by the duke of York and the popish faction, he sent, as Shaftesbury was prepared to expect, secretary Coventry to demand the seal November 9th, 1673. "The same day," as we are informed by doctor Kennet, "he was visited by prince Rupert and most of the peers and persons of quality about the town, who acknowledged that the nation had been obliged to him for the just discharge of the trust that had been reposed in him, and returned him their thanks."

But justice to the memory of lord Shaftesbury requires, that the confused and invidious statements of Mr. Hume should be more closely investigated, in order to manifest the utter incompetency of that celebrated historian
to

to pass a judgment upon this nobleman's character and conduct. Mr. Hume affirms, after Burnet indeed, that sir Orlando Bridgeman was removed from his office for refusing to affix the great seal to the declaration of indulgence, and intimates that Shaftesbury was made chancellor for that very purpose; whereas sir Orlando Bridgeman continued in possession of the great seal eight months after the declaration was signed, sealed, and published, *i. e.* from the 15th of March to the 17th November, 1672, and was then, as stated in the official notice, "permitted to resign on account of his great age and infirmities."

Mr. Hume asserts, after Burnet, that lord Shaftesbury suggested to Clifford the infamous advice of shutting up the exchequer; although these statesmen were at this very time inveterate political adversaries. And there is extant a paper of objections, admirably penned, left by lord Shaftesbury with the king, against that violent and iniquitous measure; and also a letter of the same nobleman, in which, adverting to this report, he styles it "foolish as well as false. If any man considers," says he, "the circumstance of the *time* when it was done, and that it was the *prologue* of making lord Clifford lord high treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me at the same time out of my wits." And the duke of Ormond, a man of honor, though of the Clarendon or York party, was heard to declare "his wonder why people accused lord Ashley of giving that advice; for he himself was present when it was first moved by lord Clifford, and he heard lord Ashley passionately oppose it."

Mr. Hume tells us, that in the famous speech made by lord Shaftesbury as chancellor in the spring session of 1672, he enlarged on the topics suggested by the king, and added many extraordinary positions of his own. This is extremely inaccurate. According to the fashion of the times, the speech delivered by the chancellor in the king's name was considered as the king's speech, and was previously agreed upon in council as part of it. Lord Shaftesbury expressed in strong terms to his friend the famous Locke his uneasiness at the part which he was thus compelled to act, particularly noticing the obnoxious phrase "*delenda est Carthago*." And M. Le Clerc remarks upon the occasion, "that those (in Holland) who did not know the chancellor spoke only *ex officio*, conceived a bad opinion of him."* The earl of Clarendon had in the same manner vindicated, *ex officio* and in his capacity of chancellor, the first Dutch war, which he had previously and vehemently opposed in the cabinet, without any imputation upon his political integrity; and why should there be one standard of rectitude for Clarendon and another for Shaftesbury? The apology for both must be found in lord Shaftesbury's own weighty remark in his address, already quoted, to the earl of Danby.

Mr.

Mr. Hume's narrative evidently implies, if it does not expressly affirm, that lord Shaftesbury abandoned the court *because* the king, intimidated by the commons, had cancelled the declaration; whereas the king had as yet given no tokens of an intention to recede from the declaration; and lord Clifford had vindicated it in high and lofty terms, calling the vote of the house of commons "*monstrum horrendum, ingens!*" when lord Shaftesbury arose, and said he must differ *toto caelo* from the noble lord who spoke last. And then followed his famous speech in condemnation of the declaration. The king, urged by the commons, unsupported by the lords, and alarmed at the defection of his most popular minister, shortly after broke the seal with his own hand, March 7th; and the next day lord Shaftesbury, with the king's leave, reported it to the house of lords.

"Never," says Mr. Hume, "was turn more sudden, or less calculated to save appearances. Immediately he entered into all the cabals of the country party, and discovered to them, perhaps magnified, the arbitrary designs of the court, in which he himself had borne so deep a share." But this is mere historical romance. Lord Shaftesbury had never relinquished his connections with the country party, the leaders of which, Lyttelton, Powle, Russel, &c. were his particular friends;—and he was never accused or suspected by the patriots in the house of commons of any design inimical to the liberties or interests of his country. On the other hand, if the king conceived his conduct to be as base and treacherous as Mr. Hume represents it, how is his continuance in office for the space of nine months after this period to be accounted for? And why was he at last dismissed, as the high church historian Echard himself relates, with such unusual marks of respect and regard? But truth is always consistent with itself; and the fact beyond all possibility of rational denial is, that lord Shaftesbury had uniformly opposed the French system with all the weight of his influence and eloquence. By the force of his arguments the king had been often induced to ponder and to hesitate; and that he acted TREACHEROUSLY, is an assertion not only void of proof, but contrary to the whole tenor of evidence. In reality, lord Shaftesbury carried higher than almost any man his ideas of honor as a politician and statesman. Mr. Hume himself allows, but that is indeed at the distance of some pages, "that he maintained the character of NEVER betraying those friends whom he deserted." In a letter written to the king some years subsequent to this period, he says, in reference to the early events of his life, "*I never betrayed, as your majesty knows, the party or councils I was of.*" He rather chose to lie under the imputation of advising the measure of shutting up the exchequer, than to reveal the king's counsels confidentially intrusted to him. "*I shall not deny,*" says the earl in the letter before quoted, "*but that I knew earlier of the counsel, and foresaw what necessarily it must produce perhaps sooner than other men; but I hope it could not be expected by any who do in the least know me, that I should have discovered the king's secret, or betrayed his business, whatever my thoughts were of it.*" And when, in avowed opposition to the court, several

veral years afterwards he made some severe reflections on the then lord chancellor Nottingham, that nobleman arose in great heat, and "thanked God that, whatever his errors might be, he was not the man who had projected the second Dutch war, who had promulgated the Declaration of Indulgence, who had advised the shutting up of the exchequer. The earl of Shaftesbury with the utmost calmness observed, in answer to these implied charges, that there were then in the house several lords who were in the secret of his majesty's counsels at the period alluded to—he would accuse none, but he appealed to all whether *he* was the author or the adviser of the measures in question." A profound silence ensued; and lord Arlington, going up to the king, who was himself present in the house, remarked to him the generosity of lord Shaftesbury, and the indiscretion of the chancellor. And upon this the king rebuked the chancellor for meddling with the secrets of the council in so public a place; and told him "he knew nothing of those matters."

So much for the charge of treachery.—Upon other similar accusations of the historian it is unnecessary to dwell. If, as Mr. Hume asserts, "lord Shaftesbury had surmounted all sense of shame, if he was not startled at enterprises the most hazardous, if he was a man of insatiable ambition;"—why did he not steadily persevere in the court system? Had the opposition any thing better to offer him than the great seal of England?

This nobleman is stigmatized by Mr. Hume, as at the same time under the dominion of furious and ungovernable passions, and practising the insidious arts of a deep and designing demagogue. But these opposite characteristics are equally remote from the truth. He had an extraordinary command of temper upon the most trying occasions; and his speeches, though bold and ardent, are not declamatory, but acute, sagacious, and argumentative. He equally disdained to disguise his own sentiments in complaisance to the prince or to the people. "I do not know," said he upon a certain occasion (A. D. 1679), in the house of lords, "how well what I have to say may be received; for I never study either to make my court or to be popular. I always speak what I am COMMANDED by the dictates of the SPIRIT WITHIN ME."

In the high stations which he filled, his virtues, if we will give any credit to the testimonies of his contemporaries, were as conspicuous as his talents. His renown was extended far beyond the limits of his native country. On his advancement to the chancellorship, M. Cronstrom, a Swede of high distinction, who had been resident in England, wrote his congratulations. "This preferment and dignity, my lord," said he, "was due long since to your high merits; and I do humbly assure your excellency, it is generally believed here, the interest of this and your nation will flourish under the wise conduct of such a renowned chief minister of state as you are." Though not bred to the profession of a lawyer, none of his decrees in chancery were ever reversed; and amidst the violence and madness

of party rage, Dryden himself, in his famous political satire of *Abfalom and Ahitophel*, could not refuse to pay a tribute of praise to the moral and judicial integrity of his character :

" In Israel's court ne'er sat an Abethdin
With more discerning eyes and hands more clean :
Unbrib'd, unsought, the wretched to redress,
Swift of dispatch, and easy of access."

Farther, Mr. Hume is pleased to inform us, " that lord Shaftesbury was reckoned a deist ;" although incontrovertible evidence remains, that this nobleman was a firm believer in christianity according to the most rational system of protestantism, for which he even declared, in a very memorable debate in the house of lords on the Non-resistance Bill (1675), his readiness to sacrifice his life. And upon this occasion king Charles, who was himself, according to his frequent practice, present in the house, declared " that Shaftesbury knew more law than all his judges, and more divinity than all his bishops."

It would extend this digressive dissertation too far, to trace the misrepresentations of Mr. Hume relative to the conduct of lord Shaftesbury subsequent to his resignation of office, and public junction with the opposition, of which he was immediately acknowledged as the head. It must suffice to say, that the historian exhibits a character incongruous, incredible, impossible — " a character from no one vice exempt," yet the object of universal affection and veneration—not the veneration of the mass of the people merely, but of the best and wisest men of the age and country in which he lived—an Essex, an Holles, a Russell and a Sydney. And to the injurious reproaches of Mr. Hume may with infinitely preponderating advantage be opposed the discriminating applause of the celebrated Locks, founded on long and intimate knowledge ; who says of this nobleman, " that in all the variety of changes of the last age he was never known to be either bought or frightened out of his public principles." And M. Le Clerc tells us, " that, to the end of his life, Mr. Locke recollected with the greatest pleasure the delight which he had found in the conversation of lord Shaftesbury ; and when he spoke of his good qualities, it was not only with esteem, but with admiration."*

When at length reduced to the necessity of taking refuge in Holland, he was received by the Republic, which according to his enemies he had labored to subvert, with the highest honors. On his arrival at Amsterdam, he was visited by several of the states and persons of distinction, one of whom smiling remarked, " My lord, nondum est deleta Carthago." They told him they were sensible his sufferings were for the protestant cause, that he had been their real friend, and that he had no enemies but who were theirs likewise. They assured him of their constant protection, and ordered his portrait to be hung up in their public room. On his death, which happened

* *Bibliothèque Choisie, tome vi.*

happened shortly after, they put themselves into mourning. Even the ship which conveyed his body to England, was adorned with streamers and scutcheons, and the whole apparatus was, by an express decree of the states, exempted from the payment of tolls, fees and customs.† On the subsequent landing at Poole in Dorsetshire, it was met by a cavalcade of the principal gentlemen of the county, who attended the procession to his antient seat of Winborne, where, after all his political conflicts, he reposed from his labors, and received a peaceful and honorable interment.

Some of these particulars are extracted from original materials not yet made public, but which will probably appear at no very distant interval. The remaining information, and much more to the same effect, was within the reach of every writer possessed of competent diligence, and not disdaining the dull labor of research. But the fine pictures of Mr. Hume are too often little better than fancy-pieces.

† *Bibliothèque Choisie*, tom ii.

HISTORY OF GREAT BRITAIN.

WILLIAM III.

BOOK I.

Illustrious character of king William. State of Political Opinions. Appointment of the New Ministry. Convention converted into a Parliament. Oaths of Allegiance and Supremacy refused by eight Bishops. Cabals of the Non-jurors. Proceedings of Parliament. Bill of Rights. Bill of Indemnity. Act of Toleration. Bill of Comprehension. Proceedings of the Convocation. Affairs of Scotland. Crown of Scotland declared forfeited by king James—and conferred on king William. Exploits of viscount Dundee. Highlanders described. State of Europe. League of Augsburg. War declared by England against France. Generous reception of king James by Louis XIV. Invasion of Ireland by the French. Treachery of Tyrconnel. King James makes his entry into Dublin. Battle of Bantry Bay. Pretended parliament of Ireland convened by king James. Act of settlement repealed. Memorable resistance of Londonderry. Unprosperous campaign under M. Schomberg. Session of parliament.

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parliament. Corporation bill. Parliament dissolved. Proclamation against general Ludlow. Meeting of the New parliament. Conflict of parties. Act of Grace. Triumph of the Tories. King embarks for Ireland. Victory of the Boyne. King James abandons Ireland. Successes of king William. Siege of Athlone raised—and of Limerick. King returns to England. Earl of Marlborough captures Cork and Kinsale. Command devolves on general Ginckel. Athlone taken. Victory of Aughrim. Capitulation of Limerick. Queen constituted regent—Her amiable character and discreet conduct. Naval defeat off Beachy Head. Session of parliament. Lord Godolphin appointed First Commissioner of the Treasury. His character. King embarks for the Continent. In danger of shipwreck. Congress at the Hague. Conspiracy against the government. Execution of Asbton. Deprivation of the non-juring bishops. Campaign in Flanders, &c. 1691. Character of the emperor Leopold. Death of pope Innocent XI. Session of parliament. Unpopularity of the king. Affairs of the East India Company. Disgrace of the earl of Marlborough. Intrigues carried on with the court of St. Germain's. Prince and princess of Denmark cease to appear at St. James's.

THERE are few princes in ancient or modern times who have acted a more conspicuous or important part on the great theatre of the world, than king WILLIAM. Scarcely had he attained to the age of complete manhood, when he was called upon by the united voice of his countrymen to rescue them from the dangers of an invasion which had nearly subverted the Republic. When their apprehensions had reduced them to the lowest ebb of despondency, he awakened the drooping genius of the Commonwealth; and Holland, under the auspices of a prince of the house of Orange, quickly re-assumed her courage and re-established her power. When these nations were threatened

threatened with the dreadful prospect of popery and slavery, this prince was again invoked for aid and assistance; and, accomplishing with unparalleled happiness and success the glorious and immortal work of their deliverance, was rewarded with that crown which fell from the head of the abdicated tyrant. During the concluding years of his life, he was universally considered as the great bulwark of the liberties of Europe endangered by the pride and the power of Louis XIV. to whose vast and unprincipled projects of ambition he opposed, in that grand alliance of which he was the former and the head, an insurmountable barrier.

Though the two great political factions had united in their opposition to the late king James; and though the tories, alarmed at the magnitude and imminence of the danger, seemed for a time to have abandoned their favorite doctrines of passive obedience and non-resistance; in the speculative discussions which succeeded at the meeting of the convention, they evidently shewed a strong tendency to revert to their original principles, or at least a strong reluctance to depart from them farther than the necessity of the case absolutely demanded. Though they acknowledged the king therefore to be incapable of government, they could by no means reconcile their minds to the idea of an actual deposition; but, as in former cases of incapacity arising from nonage or mental imbecility, they proposed the appointment of a regent vested with kingly power. To this plan the whigs, who constituted a great majority of the lower house of convention, were determined, for obvious and important reasons, not to accede. But wisely endeavouring to accommodate their more dignified and rational ideas in a certain degree to the prejudices of their new associates, they passed an unanimous vote, "That king James II. having endeavoured to subvert the constitution of the kingdom by breaking the original compact between king and people, and having, by the advice of jesuits and other wicked persons, violated the fundamental laws, and withdrawn him-

• self out of the kingdom, has *abdicated* the government, and that the throne is thereby vacant." The tories, however, whose influence predominated in the house of lords, rejected the concluding clause, and changed the term *abdicated* for *deserted*, a word of very different import, as it seemed to imply that the right of resumption still existed. Not clearly comprehending that emergencies may arise of a nature far transcendent as to supersede all legal forms and positive institutions, and that the essence of the constitution is not to be sacrificed to its external functions, they argued, "that, however great might be the misconduct of the government, the law pronounced the king to be in his own person exempt from all responsibility. The authors and advisers of the illegal measures pursued were indeed deserving of condign punishment; but to the king himself could be imputed not criminality but incapacity merely; and for this incapacity a regency was the only proper and constitutional remedy. If however the temporary desertion of the government on the part of the king should, by an unprecedented violence of construction, be interpreted into an actual abdication of the regal office, still the right of succession devolved by law upon the infant prince of Wales, of the legitimacy of whose birth, notwithstanding the rumours propagated for malicious and factious purposes, no rational person entertained the slightest doubt."

These reasonings must have appeared not only plausible, but unquestionably just and equitable, to very many respectable persons, at a period when the true theory of government had been comparatively little studied, and its general principles not as yet perfectly understood or very generally diffused. It is a fact which needs neither disguise nor palliation, that the revolution, abstractedly considered, was an unquestionable though an illustrious violation of the law. And the established maxims which for the purpose of securing the just and genuine ends of government it was then thought necessary to supersede, are since that time as sacred and

and inviolable as before. It is still a principle of the English constitution, that the king can do no wrong—i. e. to him no criminality can be imputed; that the legislative assemblies can exercise no jurisdiction over the monarch; and that the crown of England is held by hereditary right. But, if former times should roll round again, and any future king of England should dare to conspire against the civil and religious liberties of his subjects, and sacrilegiously to attempt the subversion of the government; unless the spirit of liberty were totally extinguished in the land, these feeble barriers, calculated merely to protect the executive power in the just and fearless discharge of its constitutional functions, would be instantly burst asunder. And if the safety of the nation demanded that the trophies of public justice should be “raised,” to borrow the language of MILTON, “on the neck of crowned Fortune proud;” no true patriot would hesitate to applaud the sacrifice: nor would it be any impeachment of consistency to demand, at the same moment, the re-establishment of those wise and salutary and constitutional maxims from which the most urgent necessity alone could justify any departure.*

The prudence and moderation, and even the magnanimity of the prince of Orange during the debates of the Convention are justly and generally applauded. Perceiving the

* The supposition of law, as sir William Blackstone excellently observes, is, that neither the king, nor either house of parliament collectively taken, is capable of doing any wrong; since in such cases the law feels itself incapable of furnishing any adequate remedy; for which reason, all oppressions which may happen to spring from any branch of the sovereign power must necessarily be out of the reach of any stated rule or express legal provision: but if ever they unfortunately happen, the prudence of the times must provide new remedies upon new emergencies. Indeed it is found by experience, that whenever the unconstitutional oppressions even of the sovereign power advance with gigantic strides, and threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty by a scrupulous adherence to those political maxims which were originally established to preserve it.

the house of peers disposed to favour the establishment of a regency, he thought proper, after observing a long and profound silence, to inform some of the leading members of that assembly, "that, though he acknowledged their undoubted right to adopt that form of government which to them appeared most eligible, he was determined, if a regency were appointed, not to take upon him the office of regent—that, if they chose to settle the crown upon the princess of Orange, he claimed no right of objecting to it, but he would never act a subordinate part in the administration of the government. In either of these cases, therefore, he would return to Holland, satisfied with the glory he had acquired by the service he had been so happy as to render them."—This judicious and well-timed declaration put a sudden termination to the debate: and the two houses of convention came to a final resolution, Feb. 13, 1689, to offer the crown, in the name of all the people of England, to the prince and princess of Orange as joint sovereigns; vesting at the same time the sole administration of government in the hands of the prince. This offer, which was no less agreeable to the princess, who indignantly disclaimed every idea of an interest separate from that of her husband, than to the prince, was accepted without hesitation; and their highnesses were crowned king and queen of England by the names of WILLIAM and MARY, April the 11th, 1689.

The first public act of the new reign was a proclamation confirming all protestants in the offices held by them on the 1st of December, 1688. A new privy council was in a few days after nominated, consisting chiefly of whigs. The grand difficulty rested in the appointment of a new ministry, in the formation of which it would have been highly impolitic entirely to have excluded the tories, who had taken a very active and zealous part in the late revolution. The jealous animosity subsisting between the two state factions began immediately to re-appear; and it was with little satisfaction to either that the king at last made his
final

final arrangement. The earl of Danby, a zealous tory and high-churchman, who boasted the splendid merit of devising and effecting the marriage of the prince and princess of Orange, and who was one of the seven patriots who risked their lives and fortunes by signing the original invitation to the prince,* transmitted to him through the hands of Mr. Zuylewstein, aspired to the office of lord high treasurer, which he had held during the reign of Charles II. But the king determined to put the treasury into commission; and lord Mordaunt, created earl of Monmouth, was declared first commissioner. This nobleman, yet in early life, possessed a most extraordinary force and versatility of talents; and his genius in the sequel taking a military direction, he attained to the highest degree of celebrity under his subsequent title by descent of earl of Peterborough. Danby, thus excluded from the treasury, was obliged to content himself with the post of president of the council and the title of marquis of Carmarthen. The earl of Shrewsbury, a man of capacity, of moderation, and of probity, whose character stood high with both parties, was appointed secretary of state, in conjunction with the earl of Nottingham a determined tory, immovable in his prejudices, grave in his deportment, austere in his morals, artful, able and ambitious. This nobleman had refused to sign the invitation to the prince, but declared himself willing to share the responsibility as far as concealment would go: and though in the conventional debates he had vehemently opposed the vote of abdication, he subsequently declared with much plausibility, "that though he would not make a king, yet upon his principles he could obey him better than those who

* The others were Shrewsbury, Devonshire, Lumley, the bishop of London, admiral Russell, and H. Sydney. The earl of Nottingham had been applied to, and had once assented to the invitation; but his heart failed him, and (as Sydney wrote to the prince, June 30.) "he retracted, under pretence of scruples of conscience—though they all concluded it to be another passion." He nevertheless kept the secret inviolate. The prince of Orange, knowing the selfish and unprincipled versatility of Halifax, forbade any positive or explicit communication of the design to that nobleman.

who did." The marquis of Halifax, a man of wit, genius and eloquence, had conducted himself with such duplicity, or, to speak more properly, with such flagrant inconsistency, as entirely to lose the confidence of both parties. He had originally acted with the whigs, to whom he gave mortal offence by the decided part which he took in opposition to the exclusion bill, and by supporting the flagitious measures of the last years of Charles II. and the first of his successor, under whom he held the office of president of the council. In order to recover his credit with the whigs, who were now likely to attain a permanent ascendancy, he opposed with all the force of his oratory in the convention the project of a regency, and even went so far as to move that the prince should be declared king, and the princesses next in succession. This proposition, though immediately negatived, so far answered his purpose as to raise him high in the king's favor; but it made him odious to the whole body of the tories. To him was consigned the privy seal. The great seal was put into commission; Maynard, Keck, and Rawlinson being nominated commissioners. And sir John Holt, a man of great ability and equal integrity, was declared chief justice of England. Admiral Herbert, a very popular and reputed a very skilful seaman, was placed at the head of the admiralty. The white staves were bestowed on the dukes of Devonshire and Dorset; the first being appointed lord steward, and the latter lord chamberlain. M. Bentinck, a native of Holland, who had long enjoyed the king's confidence, was advanced to an honorable station in the king's household, and soon afterwards created earl of Portland. Mr. Sydney, brother to the famous Algernon Sydney, a man of engaging manners and graceful address, was distinguished in the new promotions, and in the sequel advanced to very high offices in the state, and created earl of Romney. The diocese of Salisbury being at this time vacant by the death of the learned Dr. Seth Ward, the king of his own motion nominated as his successor Dr. Burnet, who had embarked on board the Dutch fleet on the late expedition

expedition

expedition to England, and been an active and zealous instrument in accomplishing the revolution. This prelate, equally famous in his political and theological capacity, has been described, not unhappily, as "a man of some parts and great industry, moderate in his notions of church discipline, inquisitive, meddling, vain and credulous."*—but, as it ought to be added, honest, disinterested, and sincere. An unexpected difficulty occurred in the positive refusal of the primate Sancroft to consecrate the new bishop: but, as the time approached, dreading the penalties of a premunire, he granted a commission to the bishop of London and three other suffragans to exercise his metropolitan authority; thus, as bishop Burnet with some degree of spleen remarks, "meanly empowering others to do what he himself deemed an unlawful act."

The first resolution adopted by the new government was to convert the convention into a parliament, that assembly being supposed by many to want a legal sanction, not having been convoked by the royal writ of summons. On proposing the question in council, whether it was necessary to dissolve the convention and to call a new parliament, the voices were divided; but the whigs, knowing the inconveniences which would arise from a dissolution, and well satisfied with the apparent disposition and complexion of the commons, were unanimous in their opinions against it. The king, in consequence, went in state to the house of lords, and, in a solemn speech from the throne, recommended to both houses to "consider of the most effectual means to prevent the inconveniences which might arise from delays in accomplishing whatever measures they might have in contemplation for the good of the nation." A bill was immediately brought in, and carried rapidly through the house of lords, to remove and prevent all questions and disputes concerning the assembling and sitting of this present parliament. But in the house of commons it excited a warm and interesting debate. The tories maintained, with some degree

* Smollet.

degree of plausibility, that “if the convention was in itself an illegal assembly, its acts could not be legalised by giving it the name of a parliament—that the king’s writ was as necessary as his presence to constitute a legal parliament—that the convention of 1660 was called by the consent, if not by the authority, of the lawful king, and when there was no great seal in being to affix to the writs; notwithstanding which it had never been considered as a legal parliament, its acts were ratified in a subsequent parliament, and thence they derived their validity. No constitutional power existing, therefore, by which the convention could be converted into a parliament, they inferred that it must of necessity be dissolved, and a new parliament summoned.” To this reasoning the whigs replied with firmness and spirit, “that the whole of the proceedings relative to the REVOLUTION now accomplished were in a legal sense irregular and anomalous to the established principles of the constitution; but that essentials must not be sacrificed to forms. A king had been dethroned, and another ELECTED, and universally acknowledged as a king *de facto* at least, if not *de jure*. Was it then more difficult, or less constitutional, to acknowledge a parliament *de facto* than a king *de facto*? The essence of a parliament consisted in the meeting and co-operation of the king, lords, and commons, whether convoked by writ or by letter. The prince of Orange not being king at the time of his issuing the letters, was an irrelevant objection; since he was then the administrator of the executive government. From a retrospective view of English history it was sufficiently apparent, that it was never considered by our ancestors as so material how the king, lords and commons came together, as that they were together. During the imprisonment of Edward II. writs were issued for a parliament in the name of the monarch by the queen and prince of Wales; which, being met, deposed the king, and passed a great variety of acts remaining in force without any subsequent confirmation. In like manner the parliament which deposed king Richard II. was summoned by the duke of Lancaster, afterwards

terwards king Henry IV. ; which parliament, so irregularly convened, passed divers acts, the legality of which was never questioned. As to the confirmation of the acts of the convention parliament of 1660 by the subsequent parliament of 1661 convoked by the king's writ; though perhaps politically expedient in order to satisfy the scrupulosities of some sceptical theorists, it could proceed neither from necessity nor propriety ; most of the acts passed in the convention parliament having produced their full effect before the subsequent parliament began. Where then was the political prudence or advantage of throwing the kingdom into confusion by a new election at so critical a juncture, to the great delay and hindrance of public business ? And after all, at their next meeting, as to all the essentials which constitute a true and lawful parliament, they would gain nothing but what they already possessed." These arguments happily prevailed ; and the commons agreeing to the bill, the convention was from that time called the parliament : the act commencing from the day on which the crown was accepted by the king and queen.

The 1st of March being appointed for taking the oaths of allegiance and supremacy, divers of the dissatisfied members, chiefly of the upper house, retired on different pretences into the country. Being at length summoned to give their attendance, the earls of Clarendon, Litchfield, Exeter, with a few other temporal lords, continued contumacious ; and no less than eight of the bishops, including the primate Sancroft, a man of unblemished morals, of great learning and integrity, and of much passive fortitude—but in his public capacity weak, wavering, and pusillanimous. Though he had joined with the other peers and privy counsellors in inviting the prince of Orange to take the administration of the government upon him, he refused to pay his compliments of congratulation at St. James's on his subsequent arrival. When the convention met, he came not to take his place among them—resolving to act neither for nor against the interests of king James : and though he himself refused the oaths,

oaths, he cautiously avoided taking any steps, by acting or speaking, to deter others from such compliance. The example of the bishops was followed by many individuals amongst the inferior clergy, who were in consequence deprived of their benefices; though by far the greater number submitted to the oaths enjoined, but with such limitations and mental reservations as redounded very little to the honor of their integrity. The recusant prelates* were at first suspended from their episcopal functions, and it was not till after an interval of more than a year the vacant sees were filled with men of more liberal principles; the new metropolitan Dr. Tillotson, in particular, sustaining a very high character for moderation, wisdom, candor and probity. The deprived archbishop Sancroft retired to a small paternal estate in Norfolk, cultivating, as we are told, his garden with his own hands, and enjoying in peace and privacy the splendid sacrifices he had made at the shrine of rectitude and conscience.

The faction of the non-jurors, and many who had taken the oaths to the government, were quickly discovered by intercepted letters to be engaged in secret practices against it. The earl of Arran, sir Robert Hamilton and others were committed to the tower, and a bill passed both houses suspending the habeas corpus act—for the first time since that famous law, the bulwark of the English constitution and of the personal liberty of Englishmen, was enacted. A spirit of mutiny also at this period broke out in the army; and the royal Scotch regiment of horse and that of Dum-barton,

* The non-juring bishops were Sancroft, of Canterbury; Turner, of Ely; Lake, of Chichester; Ken, of Bath and Wells; White of Peterborough; Lloyd, of Norwich; Thomas, of Worcester; and Frampton, of Gloucester. The five first of these were of the number of the seven bishops sent to the tower by king James for refusing to promulgate the declaration of indulgence; thus a second time, and within a very short interval, sacrificing, though in an ignoble and unworthy cause, their interest to their sincerity and integrity.

barton, having declared for king James, began their march from South Britain to Scotland ; but were pursued by general Ginckel, and compelled to surrender at discretion. This incident gave rise to a bill, now become annual, for punishing mutiny and desertion, forming in its present state a complete military code, under the sanction of which the formidable standing army of Britain is disciplined and governed.

The revenue of the crown settled upon the late king James for life, was declared by the house of commons to be expired, in contemptuous disregard of the allegations of the courtiers, who pretended that the revenue had devolved to the present king with the crown, as, during the life of king James at least, inseparably annexed to it. By a very just and wise regulation, they established a distinction between the ordinary and extraordinary expenditure of the nation ; settling by a provisional act the sum of 600,000*l.* upon the crown, to defray the necessary demands of the civil government, under the appellation of the civil list ; and leaving all the remaining supplies to be voted upon estimate, and appropriated to specific services, stated by ministers, and approved by the parliament. This was a political novelty, at which the king was not perfectly pleased ; particularly as the civil list itself was granted, by a caution perhaps too scrupulous, for so short a term as one year only ; and the bold and innovating spirit of the whigs excited in this and other instances some degree of umbrage, not to say resentment, in the breast of the king.*

With

* The king declared, " that without a settled revenue a king was but a pageant ;" and upon another occasion he said to bishop Burnet, " that he understood the good of a commonwealth as well as of a kingly government, and IT WAS NOT EASY TO DETERMINE WHICH WAS BEST : but he was sure the worst of all governments was that of a king without treasure and without power." The late king of Prussia was more deeply tainted with this political heresy than king William ; for he declared himself to Dr. Zimmermann " extremely partial to republics."

With a view to extend his popularity, the monarch signified, in a message to the commons, his readiness to acquiesce in any regulations they should think proper to adopt for the suppression of *hearth-money*, which he understood to be a grievous imposition on the subject; and this tax was in the sequel abolished, “in order to erect a lasting monument of his majesty’s goodness,” to use the words of the act, “in every dwelling-house of the kingdom.” But the prospect of this *monument*, according to the observation of the celebrated commentator of the laws of England, was extremely darkened by the substitution, in a few years afterwards, of an heavy duty on windows, as an equivalent to that on hearths; and which is perhaps little less odious or vexatious. In consequence also of the king’s recommendation, the house of commons voted the sum of 600,000*l.* as a compensation to the states-general for the expence incurred by them in fitting out the fleet which wasted the prince of Orange to the British shore. Another very important measure brought forward in the course of the present session, though not carried into full effect till the succeeding one, was the conversion of the declaration of rights presented to the king by the two houses of convention, immediately previous to the offer of the crown, into that memorable law so frequently referred to, and so justly celebrated, under the appellation of the **BILL OF RIGHTS**.^{*} A clause
of

* The declaratory clauses of this famous bill are as follow:—“The lords spiritual and temporal, and commons, &c. as their ancestors in like cases have usually done, for the vindicating their antient rights and privileges, declare

That the pretended power of suspending laws or the execution of laws by regal authority without consent of parliament, is illegal. ●

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of the like nature, are illegal and pernicious.

That

of a very interesting import was inserted in this bill, disabling papists from the succession to the crown—to which the lords added, or such as should marry papists—and absolving the subjects in this case from their allegiance.

The king was extremely and laudably solicitous that an act of indemnity, with proper exceptions, should pass without delay. Jeffries, the infamous Jeffries, was now under close confinement in the Tower; and Wright, who had filled the high office of lord chief justice of England, with divers of the late judges and other state delinquents, were prisoners in Newgate: and from amongst these examples of public justice might be made. But good policy evidently required, that the minds of the multitude who had rendered themselves

That the levying money to or for the use of the crown, by pretence of prerogative, without grant of parliament, for longer time or in any other manner than the same is or shall be granted, is illegal.

That it is the right of the subject to petition the king; and all commitments and prosecutions for such petitioning are illegal.

That the raising and keeping a standing army within the kingdom in time of peace, unless it be by consent of parliament, is against law.

That the subjects, being protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

That the election of members of parliament ought to be free.

That the freedom of speech or debates and proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That jurors ought to be duly impannelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, parliaments ought to be held frequently.

And they do CLAIM, DEMAND and INSIST UPON all and singular the premises as their undoubted rights and privileges; and that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter in consequence or example.

themselves more or less culpable by engaging in the execution of the illegal measures of the late reign should be set at rest and conciliated by the lenity and moderation of the present government. This the whigs, much more in the spirit of faction than of patriotism, resisted, from a desire to keep their adversaries still under the lash, and to establish more firmly their own ascendancy. This ungenerous conduct was openly countenanced and encouraged by the earl of Monmouth, now at the head of the treasury, and Darnley, afterwards earl of Warrington, chancellor of the exchequer—to the great disgust of the king; into whose mind the earl of Nottingham was assiduously instilling jealousies and suspicions of the whole whig party, whom he represented as in their hearts republicans and levellers, entertaining deep and dangerous designs tending to the subversion of kingly government. Under the specious pretext of the difficulty of making the proper exceptions, and of the encouragement which a general indemnity would afford to the partisans of the late king, the bill was lost for the present session. Modelled as it was by the whigs, it bore indeed more the appearance of a bill of punishment than of pardon; for it comprised no less than twelve general heads of exception, including a vast number of individuals. Amongst those specified by name were the chief justices Herbert and Wright, the lords Jeffries and SPENDERLAND,* the

* After the revolution, the earl of Spenderland, knowing how odious he had made himself by his public conduct, and not daring to trust to his secret services, had thought it expedient to take refuge in Holland. And from Amsterdam he wrote a letter to king William, dated March 24th (1689), in which he says, “If I had not followed the advice of my friends rather than my own sense, I should not have been out of England at this time: for I thought I had served the public so importantly in contributing what in me lay towards the advancing of your glorious undertaking, that the having been in an odious ministry ought not to have obliged me to be absent. But nothing makes me repine so much at it as that I could not give my vote for placing your majesty on the throne.” And in a subsequent letter, March 11th, this

the bishops of Durham, Chester, &c. Lord Warrington himself informs us, "that the party most affected by the bill retarded their proceedings by throwing stumbling-blocks from time to time in their way"—thinking, no doubt, that their peril would be in no wise diminished, but on the contrary greatly increased, by such an act of grace and favor as this. Such was the terrific latitude of the bill, that it was compared to sailing in an illimitable ocean without a compass—to wandering in an immense forest which no sunbeam could penetrate.

Of all the transactions of the present memorable session of parliament, next to the bill of rights, the measure most interesting

this nobleman says, "However unfortunate my present circumstances are, I have this to support me, that my thoughts as well as actions have been, are, and I dare say ever will be, what they ought to be to your majesty.—Long before your glorious undertaking, I cannot but hope you remember how devoted I was to your service." The dissimulation of Sunderland, upon which he values himself thus highly, was so profound as completely to impose on the sagacity of M. Barillon, who on the 5th of January, 1688, writes to the king of France, "that he has discovered nothing which can make the suspicion of a secret connection between that nobleman and the prince of Orange to be believed." And a large pecuniary gratification, exclusive of his *pension*, was at this time granted to Sunderland by the court of Versailles in reward of his good services. So late as the month of September, 1688, Barillon writes of Sunderland, "Ce ministre paroît persuadé que le prince d'Orange n'osera entreprendre une descente." On the 6th of November Barillon, on the repeated applications of Sunderland, who told him he should be ruined if the prince of Orange succeeded, promised to this traitor-friend a safe retreat in France." How far Sunderland at any period entered with seriousness and sincerity into the wild and extravagant projects of the court, it is difficult to ascertain. The earl of Dartmouth relates, in his notes on bishop Burnet's history, that lord Sunderland declared publicly at his own table, that they were now, i. e. after the violences practised upon the corporate boroughs, *sure of their game*; for it would be an easy matter to have an house of commons to their minds; and there was nothing else to resist them. Lord Bradford asked him if they were as sure of the house of lords; for he believed they would meet with more opposition there than they expected. Lord Sunderland, turning to lord Churchill, who sat next him, in a ludicrously contemptuous tone exclaimed, "O Cilly! why, your troop of guards shall be called to the House of Lords."

teresting to posterity, and the effects of which have been most visible and permanent, was the famous act of toleration; an act perfectly consonant to the views, and which may indeed be said to have originated in the liberal, just, and generous disposition, of the king. The church and the more respectable part of the dissenters having united in their opposition to the despotic proceedings of the late reign, notwithstanding the insidious means used to conciliate the non-conformists, and to make them instrumental to the designs of the court; they were flattered by the heads of the church with the hope not merely of a general toleration whenever a favorable period should arrive, but of a liberal comprehension by rendering the terms of conformity less rigorous. The king had given a striking proof of his own freedom from religious bigotry, when, in his speech to the two houses on passing the habeas corpus act, he took occasion to express "his hope, that in providing against papists they would leave room for the admission of *all protestants* who were willing and able to serve. And he affirmed that such a conjunction would unite them the more firmly amongst themselves, and strengthen them against their common adversaries." Accordingly, when the bill for abrogating the old and appointing the new oaths was brought forward, a clause was inserted to remove the necessity, as to protestants, of taking the sacramental test as a qualification for office; which, though strongly supported by the leaders of the whigs, particularly by the marquis of Halifax, who now aspired to the distinction of head of the whig party, was ultimately negatived. A protest framed in terms remarkably spirited was signed by the lords Delamere, Wharton, Mordaunt, &c. against the rejection of this clause, in which they declare "that a hearty union amongst protestants was a greater security to church and state than any test that could be invented; and that a greater caution ought not to be required from such as were admitted into offices, than from the members of
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of the two houses of parliament, who are not obliged to receive the sacrament to enable them to sit in either house." And in a second protest it is affirmed to be "hard usage to exclude from public employments men fit and capable to serve the public, for a mere scruple of conscience, which could by no means render them suspected, and much less disaffected to the present government; that to set marks of distinction and humiliation on any sorts of men who have not rendered themselves justly suspected to the government, as it is at all times to be avoided by the making just and equitable laws, so might it be of ill effect to the reformed interest at home and abroad in this present conjuncture, which stood in need of the united hearts and hands of all protestants." In order to conciliate the tories, the king was willing and even desirous to mitigate the severity of the bill, by vesting a discretionary power in the crown to dispense with the oaths in respect to the established clergy, who were for the most part notoriously inimical to the present government. In vindication of which provision, it was said, "that in former changes of government oaths had not proved so effectual a security as was imagined. Distinctions were found out, and senses put upon words by which they were interpreted so as to signify but little when a government came to need strength from them. The acquiescence of the clergy must be presumed from the use of the liturgical forms. If that formidable body were reduced to the hard necessity of taking these oaths, or of resigning their preferments, there was indeed little doubt of a general compliance: but far from producing any beneficial effect, it would only tend to inflame their minds and to confirm their animosity. It was also remarked, that during queen Elizabeth's long and glorious reign, in which she had to guard both against the pretended title of the queen of Scots and the deposing power of the pope, this was the mode adopted; and it was found by experience, that to leave the tendering of oaths to the

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queen's discretion was the most effectual way of preserving the public safety and tranquillity." As the intemperate zeal of the tories had defeated the former clause, so the equally-misguided violence of the whigs prevented the adoption of the latter; and the king himself appeared to be almost the only man in the kingdom who had the wisdom and moderation to approve and patronize both.

With a view to accomplish the truly christian and catholic project of a comprehension, a bill was introduced into the house of lords, under the title of a bill for uniting their majesties' protestant subjects; by which many trivial points in dispute between the church and dissenters respecting the use of the cross and the surplice, &c. were conceded to the latter, and some verbal alterations admitted in the book of common prayer. This giving little satisfaction to divers of the lords, a proviso was offered, extending much farther the prospect of reformation;—"that, in imitation of the acts passed in the reigns of Hen. VIII. and Edw. VI. a number of persons both of the clergy and laity might be empowered to prepare such a reformation of things relating to the church, as might be offered to king and parliament in order to the healing of our divisions, and the correcting what might be amiss or defective in our constitution." This was vehemently opposed by bishop Burnet, who, impatient to signalize himself as a champion of the church, argued with great warmth against taking this business out of the hands of the clergy, to whom in his opinion it solely and properly appertained. And in consequence of his intervention—if he does not in the relation of this affair over-rate his own importance—it was thrown out by a small majority. Against this decision an admirable protest was nevertheless entered upon the journals of the house, in which the protesting peers remark, "that, though upon *Romish* principles the clergy alone are entitled to meddle in matters of religion, yet with us, where the church is acknowledged and defined to consist of clergy and laity, they can

can have no such claim; that the things to be considered are of human institution, and derive their origin from the civil power; that any alteration or improvement of them must depend on the exercise of human reason; and that the clergy can have no pretence for insisting upon the exclusion of the laity, unless they mean at the same time to set up a claim to divine inspiration. And as to the differences and delays which might arise from the mixture of laymen and ecclesiastics, they could afford no ground of objection, unless those who advance this plea suppose the clergy to have distinct interests or designs from the lay-part of the same church; in which case it would undoubtedly be proper to exclude *one or other* of the opposing parties, not from the present commission merely, but from the upper house of parliament itself, in order that the national business should suffer no obstruction." This futile bill was at length sent down to the commons, where it was opposed by the whole strength of the high church party; and being also but faintly supported by the friends of the dissenters, the leaders of whom were secretly averse from a scheme of comprehension which would diminish their influence and importance, it was finally lost. At the same time an address to the throne was moved and carried by the opponents of the bill, in which the lords, after an high debate, concurred, thanking his majesty for his gracious declarations and repeated assurances that he would maintain the church of England established by law—and humbly praying that, according to the ancient usage and practice of the kingdom, in time of parliament, his majesty would be pleased to issue his writs for calling a convocation of the clergy to be advised in ecclesiastical matters; and, by way of compromise with the other party, assuring his majesty that it was their intention forthwith to proceed to the consideration of giving ease to protestant dissenters." The way being thus paved for the act of toleration, it passed rapidly through both houses, and received the royal assent with the most decided approbation of the public: and
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though in-itself very defectively framed, it has in fact operated as a charter of religious liberty; for very few attempts have been made to oppose the letter to the spirit of the act, and in recent times it has been explained, improved and enlarged. From this toleration the papists were expressly excluded: but the mild and benignant disposition of the king effectually protected them from the fury of their protestant persecutors.

In conformity to the address of the two houses, and as the only remaining chance of effecting any plan of ecclesiastical comprehension, the king summoned a convocation, which met in the autumn of the present year; previous to which a special commission was issued under the great seal to ten bishops and twenty dignitaries of the church to prepare such alterations of the liturgy and canons as might be fit to lay before the convocation. This was not only a prudential but a necessary legal precaution, as the clergy in convocation would have subjected themselves to the penalties of a *premunire* by attempting to frame new canons without the king's leave first obtained. A great majority of these divines were of the moderate or low church party; but, to avoid as far as might be the reproach of partiality, in the number were included several of a different complexion, such as Lamplugh, archbishop of York; Mew and Sprat, bishops of Winchester and Rochester; Jane, divinity professor at Oxford; and Aldrich, dean of Christchurch. No sooner were they convened in the Jerusalem chamber, and the commission opened, than the legality and authority of it were called in question by Dr. Sprat, who had himself been one of the members of the criminal and tyrannical court established by the late king James—thus proving himself one of that odious and pharisaical fraternity who can strain at a gnat and swallow a camel. And though he was informed that the commissioners pretended to no authority, but were met merely to consult upon such matters as it might be necessary to arrange and prepare for the consideration

tion of the convocation, he retired in high disgust, attended by Mew, Jane and Aldrich. The commissioners nevertheless proceeded in the business of their commission, and digested a plan of reform, nearly resembling that contained in the bill of comprehension. But on the ensuing meeting of the convocation, it immediately appeared that the court or moderate party would be left in a minority, by the choice of Dr. Jane as prolocutor, in opposition to Dr. Tillotson. When presented for approbation to the bishop of London, who officiated as præses of the convocation during the suspension of Sancroft, the prolocutor, in an eloquent Latin speech, delivered it as the sense of the lower house, that such was the transcendent excellence of the liturgy established by law in England, above those of all other christian churches, that it needed no amendment; and he concluded in their name with the famous declaration of the barons of England at the parliament of Merton, "*Nolumus leges Angliæ mutari.*" A prorogation forthwith took place, in the vain hope of mollifying these flaming furious spirits; and at their second meeting (Dec. 4, 1689), the earl of Nottingham delivered to them a message from the king couched in the softest terms, and exhorting them "calmly and impartially to attend to the propositions which were to be laid before them, and which would assuredly tend to the honor, peace, and advantage of the protestant religion in general, and particularly of the church of England, which was so eminent a part of the reformation." After much contention and difficulty, the lower house of convocation acceded to an address proposed by the bishops, "thanking his majesty for his gracious message, and expressing their fidelity and allegiance to his person;" at the same time resolving not to enter into any debates respecting alterations. The court therefore, now perceiving its hopes and designs entirely frustrated, determined to put a period to the sitting of the convocation. And the only effect produced by this beneficent but perhaps injudicious effort of the executive government,

government, was to excite a factious and senseless clamor against the monarch, as inimical to the interests of the church. The session of parliament, which was protracted to the unusual period of seven months, had been previously terminated on the 20th of August, 1689. In the course of it, the attainder of lord Russel, whose execution is styled in the Act a murder, and that of Algernon Sydney, a name which may vie with the most celebrated of antiquity, were reversed, and their memories consecrated to everlasting fame, amid the sacred effusions of national grief and admiration.

The convention of estates in Scotland, summoned by letter as in England, met at Edinburgh on the 14th of March, 1689; and the duke of Hamilton, a nobleman in the interest of the prince of Orange now king of England, was chosen president by a great majority, in opposition to the marquis of Athol, supported by the partizans of the late king James. And different expressess arriving nearly at the same time with letters from the rival monarchs to the convention, a vehement debate ensued which should be first opened. The question was at length decided in favor of king William; whose letter was then read, recommending to the convention in very conciliatory and judicious terms, “to enter upon such consultations as were best calculated to settle the public welfare upon sure and lasting foundations, and exhorting them to lay aside all animosities and factions which might impede so good a work; and expressing an earnest wish for the accomplishment of a union of the two kingdoms, as the most effectual means of securing the happiness and prosperity of both nations, living in the same island, having the same language, and the same common interest of religion and liberty.” A committee was immediately appointed to draw up a respectful answer to this letter; and it being suggested that the letter of king James, now about to be read, might contain some authoritative clause to dissolve the assembly or annul their proceedings, a
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previous and unanimous resolution passed, " that the convention was a free and lawful meeting of the estates ; and that they would continue undissolved until they had settled and secured the protestant religion, the government, laws and liberties of the kingdom."

The letter of James was then opened, and found to contain a furious and virulent declamation against the authors and abettors of what he styles " the blackest of usurpations, and the most unjust as well as unnatural of all attempts ; and warning the convention to avoid, by a loyalty suitable to the many professions they had made, the infamy and disgrace they must bring upon themselves in this world, and the condemnation due to the rebellious in the next." Not intimidated, but on the contrary inflamed and exasperated, by these reproaches and threats, they ordered Crane the messenger to be taken into custody, and after some time dismissed him with a pass instead of an answer. At the instance of the president, a committee of twenty-four persons, consisting of eight members selected out of each of the three estates of lords, knights, and burgeses, was then appointed to prepare and digest the plan of a new settlement—who in a few days came to the following spirited and memorable resolution : " The estates of the kingdom of Scotland find and declare that king James VII. being a professed papist, did assume the royal power, and acted as a king without ever taking the oath required by law ; and had, by the advice of evil and wicked counsellors, invaded the fundamental constitution of this kingdom, and altered it from a legal and limited monarchy to an arbitrary despotic power ; and had governed the same to the subversion of the protestant religion, and violation of the laws and liberties of the nation, inverting all the ends of government ; whereby he had **BOREFAULTED** the **RIGHT** of the crown, and the throne was become vacant." This resolution, being reported to the convention, was adopted and confirmed, with the exception of five dissentient voices only

only—the partisans of the late king James having previously seceded from the assembly. The lord president then moved, “that the vacant throne might be filled with the king and queen of England;” which was unanimously approved—the marquis of Athol himself, who had opposed with vehemence the vote of vacancy, declaring his acquiescence in the proceedings of the convention, and acknowledging, that, upon the presumption of a vacancy, none were so worthy to fill the throne as king William and queen Mary. The new sovereigns were on the same day proclaimed at the market-cross of Edinburgh by the lord president in person, assisted by the members of the convention and the magistrates of the city. The earl of Argyle (who had been permitted to take his seat, notwithstanding the attainder of his father) sir James Montgomery and sir John Dalrymple were then nominated commissioners to invest their majesties with the royal dignity; and on the 11th of May, 1689, attended by almost all the Scottish nobility and gentry resident in or near the metropolis, they were solemnly introduced to the king and queen at Whitehall, and delivered to them, together with a letter from the estates, 1. The instrument of government; 2. A paper containing a catalogue of the national grievances; and 3. An address to the king for turning the convention into a parliament—to all which the king replied very graciously. The coronation oath was then tendered, conceived and expressed in an high strain of liberty, but miserably and strangely tainted with fanaticism—amongst other absurd things, declaring, “that they would abolish and gainstand all false religion—that they would procure to the kirk of God and all Christian people true and perfect peace to the utmost of their power in all time coming—and that they would be careful to root out all heretics and enemies to the true worship of God, &c.” Here the king, much moved, interrupted the earl, and protested that he did not mean to bind himself by these words to become a persecutor. And the commissioners replying that neither the meaning of the oath

oath nor the law of Scotland did import it ; his majesty rejoined, " that he took the oath in that sense, and called upon the commissioners themselves and others present to witness that he did so,"

The convention of Scotland having at their first meeting declared so decidedly against the late king James, the whole kingdom seemed to submit to their authority without hesitation or difficulty ; the castle of Edinburgh excepted, of which the duke of Gordon, a papist, was governor ; and who, upon being summoned by the convention, peremptorily refused to deliver up the fortress ; upon which he was at the high cross by the heralds at arms proclaimed a traitor and rebel. But a formidable opposition to the new government was soon excited by the celebrated viscount Dundee ; who had formed himself upon the model of the heroic Montrose, and was possessed of the same commanding talents and graceful accomplishments. Having left the convention with the rest of the seceders, he quitted Edinburgh at the head of about 50 horse. Being asked whither he was going, he replied, " Wherever the spirit of Montrose shall direct me." Repairing to the interior parts of the country, he soon collected a very considerable force. Dundee had inflamed his mind with the perusal of the ancient poets and historians, and yet more by listening to the heroic achievements celebrated in the popular and traditionary songs of his countrymen. His army was entirely composed of HIGHLANDERS—a singular people, of whom it is not sufficient barely to mention the name. Amidst the clouds and darkness which envelop the high and remote periods of historic antiquity, it appears from strong presumptive evidence, that at this æra the Highland nation exhibited the unmixed remains of that vast Celtic empire which once stretched from the pillars of Hercules to the sea of Archangel. The Highlanders were composed of a number of tribes or *clans*, each of which bore a different name, and lived upon the lands of a different chieftain. The members
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of every clan were connected with each other, not only by the feudal but the patriarchal bond; and each of them could recount with pride the degree of his affinity to the common head. The castle of the chieftain was open and easy of access to every individual of the tribe. There all were hospitably entertained in times of peace, and thither all resorted at the sound of war. They lived in villages built in glens or deep valleys, and for the most part by the sides of rivers. At the end of spring they sowed their grain, and at the commencement of winter they reaped their scanty harvest. The rest of the year was all their own for amusement or for war. In the short interval of summer they indulged themselves in the enjoyment of a bright and lengthened sun, and in ranging over a wild and romantic country, frequently passing whole nights in the open air among the mountains and the forests. They spent the winter in the chase while the sun was up; and in the evening, assembling round a blazing hearth, they entertained themselves with the song, the tale and the dance. Their vocal music was plaintive even to melancholy, but their instrumental was bold, martial, and animating. In order to cherish high sentiments in the minds of all, every considerable family had an historian who recounted, and a bard who sung, the deeds of the clan and its chieftain, or on more solemn occasions the glorious exploits of their heroic ancestors.* The vastness of the objects which surrounded them,

* Many beautiful specimens of highland poetry might be selected from the works of the most celebrated Gaelic bards, and more particularly from those of Ossian. But the pleasure we derive from them would be much enhanced could their pretensions to the high antiquity they claim be more satisfactorily ascertained. Ossian's Address to the Sun, to adduce no other instance, is truly sublime: "O thou that rollest above, round as the shield of my fathers, whence are thy beams, O Sun! whence thy everlasting light? Thou comest forth in thy awful beauty; and the stars hide themselves in the sky. The moon, cold and pale, sinks in the western wave. But thou, thou thyself movest alone! Who can be a companion of thy course? The oaks of

them, lakes, mountains, rocks, cataracts, seemed to expand and elevate their minds; and the severity of the climate, with the nature of the country, and their love, in common with other semi-barbarous nations, of the chase and of war, forced them to great corporeal exertions; while their want of regular occupation on the other hand led them to contemplation and social converse. They received the rare and occasional visits of strangers with a genuine and cordial hospitality, never indulging in a rude or contemptuous ridicule of manners opposite to their own. Considering the inhabitants of the lowlands in the light of invaders and usurpers, they thought themselves entitled to make reprisals at all convenient opportunities. What their enemies therefore called violence and rapine, they termed right and justice; and in the frequent practice of depredation they became bold, artful, and enterprising. An injury done to one of the clan was held, from the common relation of blood, to be an injury to all. Hence the highlanders were in the habitual practice of war; and hence arose in various instances between clan and clan mortal and deadly feuds, descending from generation to generation. They usually went completely armed with a broad sword, a dirk or dagger, a target, musquet and pistols. Their dress consisted of a jacket and loose lower garment, with a roll of light woollen, called a *plaid*, wrapt round them so as to leave the right arm at full liberty. Thus equipped and accoutred, they would march 40 or 50 miles in a day, sometimes even without food or halting,

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of the mountains fall; the mountains themselves decay with years; the ocean shrinks and grows again; the moon herself is lost in heaven: but thou art for ever the same, rejoicing in the brightness of thy course! When the world is dark with tempests; when thunder rolls and lightning flies, thou lookest in thy beauty from the clouds, and laughest at the storm. But to Ossian thou lookest in vain! for he beholds thy beams no more; whether thy yellow hair flows on the eastern cloud, or thou tremblest at the gates of the west."

over mountains, along rocks, through morasses; and they would sleep on beds formed by tying bunches of heath hastily and carelessly together. Their advance to battle was rapid; and after discharging their musquets and pistols, they rushed into the ranks of the enemy with their broad swords; and in close fight, when unable to use their ordinary weapon, they suddenly stabbed with the durk. Their religion, which they called christianity, was strongly tinged with the ancient and barbarous superstitions of the country. They were universally believers in ghosts and preternatural appearances. They marked with eager attention the variable forms of their cloudy and changeful sky; from the different aspect of which, they foretold future and contingent events; and, absorbed in fantastical imaginations, they perceived in a sort of ecstatic vision things and persons separated from them by a vast interval of space. Each tribe had its peculiar dogmas and modes of faith, which the surrounding clans regarded with indifference, or at most with a cold dislike far removed from the rancor of religious hatred: and persecution for religion was happily a species of folly and wickedness unknown and unheard of amongst them.

By extraordinary efforts of activity and valor, viscount Dundee at the head of his gallant countrymen made a rapid and alarming progress; and receiving great promises of support from the late king, he flattered himself with the vain hope of ultimately restoring the royal authority in North Britain. But being closely followed by general Mackay, who commanded for the reigning monarch, in Scotland, after various marches and counter-marches the two armies came to an engagement May the 26th, 1689, at the pass of Killcranky, some miles above Dunkeld. Such was the impetuosity of the highlanders, incited by the conduct of their gallant chieftain, that the English troops were entirely broken in less than ten minutes. The dragoons fled at the first charge, and the whole train of artillery

lery fell into the hands of the enemy. Nothing could be more decisive than the victory thus obtained, when a random shot put an end to the life of Dundee: and general Mackay, taking advantage of this unexpected and fortunate incident, rallied his men, and retrieved with great courage and address the battle thus to appearance irrecoverably lost. The highlanders, struck with grief and consternation, were never after able to make head; and the clans, wearied with a repetition of misfortunes, at length almost universally laid down their arms, and took the benefit of the pardon offered by king William to those who should submit within the time limited in his proclamation. The duke of Gordon, also, despairing of relief, surrendered the castle of Edinburgh at discretion on the 13th of June, 1689: so that the whole island of Great Britain now acknowledged the sovereignty of the new monarch; but Ireland was far from following this example.

In order to form a just estimate of the political state of this kingdom as connected with Great Britain, it will be necessary to fix our previous attention upon the situation of affairs on the continent. The rising power of France and the immeasurable ambition of its sovereign Louis XIV. had long excited the most serious apprehensions of the European potentates. Wholly negligent of the rules of policy, the pride of that monarch incited him to attempts no less insulting to the feelings than injurious to the rights of his neighbours. Immediately on the conclusion of the peace of Nimeguen, Feb. 1678-9, two pretended courts of justice were erected, the one at Metz, the other at Brisac, under the appellation of "Chambers of Re-union," for the express and avowed purpose of enforcing the claims of the French monarch respecting those cities and districts which were said to be dependencies either upon the bishoprics of Metz, Toul and Verdun, or upon the countries ceded to France by the treaty of Nimeguen. The feudal proprietors and lords of those places were cited to appear in these courts, and in default

fault of such appearance were condemned for contumacy. It is evident that claims of this nature, enforced in this mode, must be productive of the bitterest animosity and contention. On the refusal of Spain and the empire to surrender several places in Brabant, Alsace, and Lorraine, thus imperiously demanded, Strasburg was seized, and Luxemburg besieged. The highest offence and the highest alarm were also excited in Holland and the protestant states of Germany, by the repeal of the famous edict of Nantz, and the furious persecution now commenced against the Huguenots in France. Leopold emperor of Germany, the only prince in Christendom whose power could with any prospect of success be set in opposition to that of France, was engaged in a dangerous war with the Ottoman Porte, assisted by the mal-contents of Hungary; insomuch that, in the course of it, the Turkish moons had been displayed before the walls of Vienna. But in consequence of the splendid and memorable victory obtained there over the infidels by the heroic Sobieski, the war took an unexpected and very favorable turn; and the court of Vienna was now much more at liberty to fix her attention upon the bold and aspiring projects of France. In order effectually to counteract those daring designs, a league was formed in the year 1686 at Augsburg, to which the emperor, Spain, Holland, Savoy, and the principal states of the empire both catholic and protestant, were the contracting parties. The accession of England was eagerly looked for to this grand alliance, of which the emperor was the nominal but the prince of Orange the real head; from whose firmness and wisdom it derived all its weight and energy. It is singular, that even the pope himself, Innocent XI. greatly favored this confederacy against Louis, from whose haughtiness he had received the most mortifying personal affronts, and who had by recent violence wrested from him the city of Avignon.

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Perceiving a war inevitable, the king of France did not wait for the attack, but in the month of October, 1688, caused a numerous army under the command of the Dauphin to pass the Rhine, which took possession with very little opposition of the cities of Philipsburg, Mannheim, Mentz, Spire, &c. : but he was wholly disappointed in his designs upon Cologne, which, rejecting the neutrality offered by France, admitted a garrison of 6000 men from prince Clement of Bavaria, recently chosen elector. The States General having nothing to apprehend therefore on that side, the prince of Orange was left at full liberty to prosecute his designs upon England. This sudden irruption was immediately followed by a manifesto against the emperor, and a declaration of war against Holland, accompanied nearly at the same time with similar declarations against the other contracting parties of the league of Augsbourg. And on the other hand, the States of the Empire convened at Ratisbon passed unanimously a decree, pronouncing the crown of France with its adherents enemies of the Holy Roman Empire, for their manifold contraventions of the treaties of Munster, Nimeguen, &c. and declaring the war now undertaken to be a common war of the empire against the common foe of Christendom. The ravages committed by the French armies in the circles of the Rhine, and particularly the Palatinate, were dreadful in the extreme, and excited throughout Europe the liveliest emotions of resentment and commiseration. Strong traces of their devastations are even yet discernible in many parts of that beautiful territory ; and on this spot at least the memory of Louis XIV. must be for ever held accursed.

In the month of March, 1689, the king by a message informed both houses of parliament, that the late king had sailed from Brest *with French troops* in order to effect a landing in Ireland ; on which a joint address was presented, declaring, “ that they would with their lives and fortunes assist his majesty in *supporting the alliances abroad*, in the re-
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duction of Ireland, and in defending the religion and laws of the kingdom." And in the month of April the house of commons came to a more determinate resolution, "that in case his majesty thought fit to engage in the war with France, the house would give him all such assistance in a parliamentary way as should enable him to support and go through with the same." In the subsequent address founded on this resolution, they express their confidence, that through his majesty's wisdom the alliances already made, and hereafter to be concluded, will be effectual to reduce the French king to a condition that it may not be in his power hereafter to violate the peace of Christendom. On this grand point, a deep and cordial sympathy united the monarch, the parliament, and the nation; and the king in reply declared in warm terms his satisfaction at this address, and professed that he looked upon the war to be already so much declared by France against England, that the step now taken was not so properly an act of choice as of inevitable necessity and self-defence. And on the 7th of May following, 1689, war was in form declared against the French monarch.

On the abdication of James, and his subsequent arrival in France, he had been received by Louis with an hospitality and kindness approaching even to ostentation. The palace of St. Germain's was assigned him for his residence, his household supported with great magnificence, and hopes, or rather assurances, were given him that he should be speedily re-established on the throne of England. The conduct of James, however, in this situation, discovered no symptoms either of spirit or understanding. He shewed little sensibility at the loss of his crown. His faculties were absorbed in the most abject superstition and bigotry. His favorite occupation was holding conferences with the Jesuits, into which order he had been initiated on the mysteries of religion: and of the personal courage which
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had distinguished him in his early years no traces were discernible. He became the theme of public contempt and derision in France ; and the sarcastic remark was every where circulated of the archbishop of Rheims, brother to M. Louvois, who seeing this monarch returning from chapel with his priests about him exclaimed aloud, " There goes a pious soul, who has abandoned three kingdoms for the sake of a mass ! " The extreme bigotry of Louis prevented, however, his seeing the character of James in its most odious and ridiculous point of view ; and great naval and military preparations were made with a view of accomplishing the promise of his restoration. Early in March, a fleet of 14 ships of the line was collected at Brest, on board of which James embarked with a considerable body of troops, Irish, French, and English, commanded chiefly by French officers, under M. Rosen, a general of approved skill and courage. At parting, the king of France, embracing with demonstrations of high regard the king of England, said, " The best thing I can wish your majesty is, that I may never see you again." The whole armament arrived safely at Kinsale, where a landing was effected without opposition, March 22, 1689.

The conduct of the earl of Tyrconnel had been peculiarly artful and insidious, having intentionally excited in the English government amusive hopes of submission, for the purpose of gaining time : so that no timely measures were taken to guard the coasts of Ireland against invasion. - At an extraordinary council held at the castle of Dublin, immediately consequent to the desertion of James, the chief justice Keating, a protestant, declared that it would be in vain to contend with the ruling powers—that Ireland must necessarily follow the fortunes of England—and exhorted the lord lieutenant to a wise and honorable accommodation. Tyrconnel heard this advice with seeming temper and moderation ; and professing to enter into these ideas, he proposed to lord

Montjoy, a man of abilities and of great consideration amongst the protestants, to accompany the chief baron Rice, a furious papist, little likely to regard honor, or keep faith with heretics, to represent to king James the weakness of Ireland, and the necessity of yielding to the times, and of waiting a more favorable opportunity to avail himself of the services of his Irish subjects—swearing solemnly to Montjoy, that he was in earnest in this message, and that he knew the court of France would oppose it to the utmost of their power; for, careless of the interest and indifferent even to the destruction of Ireland, it sought merely to give to the arms of the prince of Orange a temporary diversion.—With generous indiscretion, Montjoy against the advice of his more wary friends accepted this hazardous commission. But on his arrival in France he had full proof of the treachery of Tyrconnel, being himself immediately committed to the Bastille.

In consequence of the ambiguous aspect of affairs in Ireland, lieutenant-general Hamilton, an Irish officer of great address, and at this time a prisoner of war, having served in the armies of France, was at his own desire suffered to go on his parole to Ireland, with a view to persuade Tyrconnel to surrender the government. But if there was any previous indecision in the counsels of the lord lieutenant, it vanished on his interview with Hamilton, who, with the most profligate desertion of every principle of honor, used all imaginable arguments to confirm him in his attachment to king James, and exerted himself with the utmost ardor and activity in support of the same cause. On the arrival of the abdicated monarch in Ireland, the whole kingdom seemed to be at his devotion. Tyrconnel had disarmed the protestants, and assembled an army of 40,000 catholics well provided by means of the supplies sent from France: and about the end of March, James made his public *entrée* into Dublin, amid the acclamations of the inhabitants, being met at the Castle gate by a procession of popish bishops and priests

priests in their pontificals, bearing the host, which the king publicly adored; after which he assisted at a solemn *Te Deum*.

The court of London now endeavored to compensate for its former remissness by the vigor of its present exertions. A powerful squadron under admiral Herbert was fitted out with all expedition, in hope of intercepting the French fleet on its return; and on the 1st of May he came in sight of the enemy, then lying at anchor in Bantry-bay. Perceiving an engagement inevitable, the French bore down in a regular line of battle; but the English admiral not being able to gain the wind, the ships fought at a great distance, and the engagement was extremely indecisive; both sides as usual in such cases boasting of the victory. And admiral Herbert having made every possible effort, king William pleasantly remarked, "that in the commencement of a war it might be allowed to pass for such." But the French were with some reason elated with the success of the Irish expedition; the count de Chateau-Renaud, commander of the fleet, having landed his troops, repulsed the enemy, taken several rich prizes, and brought his ships back to Brest in good condition and without loss, in the short space of a few weeks. The land forces destined for the reduction of Ireland being not yet in readiness, king James reigned without control, and almost without resistance, in that country. A parliament was convened by him to meet in Dublin on the 7th of May (1689), by which the famous Act of Settlement, passed soon after the restoration, was immediately repealed with loud acclamations of triumph, and scarcely a shadow of opposition. By this repeal, two thirds of the protestants in the kingdom, who had now for near forty years held their estates in virtue of the arrangement made at the termination of the civil wars, and subsequently modified and confirmed by the authority of king and parliament, were deprived of them, without any exception or consideration whatever for those who had made purchases under

under the existing laws. Even the estate of sir Phelim O'Neill, the famous rebel, was unconditionally restored to his heirs. In the upper house, the bishop of Meath ventured to urge some objections against both the principle and the provisos of the bill. This prelate observed, that no penalty was enacted against such as should enter estates without injunctions—no considerations for improvements—no saving for remainders—no time given for the removal of the stock of cattle or corn—no provision for widows. “Either,” said he, “my lords, there was a rebellion in this kingdom in 1641, or there was not. If there was none, God forbid that I should open my mouth in defence of the injustice of which we have been guilty! But what shall we in this case say to the declaration of his majesty’s royal father the late king Charles I. who in his Icon Basilike affirms positively that there was a rebellion; and passed an act to secure those who would advance money for the suppression of it? What indeed shall we say to the bill now before the house, which acknowledges a rebellion, though it extenuates its criminality? If then there was a rebellion, how can those concerned in it pretend a right to the restoration of their estates, except by an act of grace or pardon? But here is a bill which makes no distinction between the guilty and the innocent: one is to be put in as good a condition as the other. Can your lordships imagine it is reasonable to do this, when we all know that a court of claims has been instituted for the protection of those who were unjustly accused; that claims have been actually heard and adjudged in this court on a full hearing, without any imputation of partiality?” The chief supporter of the bill in the house of lords was the lord chancellor Fitton; a wretch, if possible, more infamous than the English chancellor Jeffries, and who had been taken from prison, where he had lain several years a convicted felon under punishment for the crime of forgery, and placed by king James at the head of the law department in Ireland, with no other merit than that of a furious zeal
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for popery, or rather rage approaching the limits of insanity, combined with the most abject subserviency to the mandates of the court. Sitting in the capacity of a judge, he overruled all rules of practice and pleas of law—declaring that the Chancery was above all laws; and that no law should bind his conscience. Where any difficulty occurred, it was not a lawyer but a divine, as he affirmed, who must resolve it. Such was the advocate of the Bill of Repeal; which passing with no farther opposition of consequence received the royal assent—the king paying no sort of attention to the petition presented to him by the earl of Granard in behalf of the purchasers under the Act of Settlement. This was followed by an act attainting all protestant absentees; the attainder also reached all such as from and after the first of August, 1688, corresponded with any who were in actual rebellion, or who were any ways aiding, abetting, or assisting thereto; i. e. the whole body of Irish protestants, who were universally attached to the new Revolution Government, and who were thus condemned to suffer the penalties of death and forfeiture. The severity of this act has been said to exceed that of the famous proscription at Rome during the last triumvirate; and by a barbarous and bloody clause, inserted no doubt at the express instance of James, as no one without knowing his pleasure would have dared to attempt a limitation of his prerogative,* the march

* We are informed by archbishop King, “that there were only four or five protestant lords temporal and four spiritual lords sitting in this parliament, and that the house of commons was filled in such a manner that only two protestants such as deserved the name were in it. By this means the parliament openly professed itself a slave to the king’s will; and he was looked on as factiously and rebelliously inclined, that would dare to move any thing after any favorite in the house had affirmed that it was contrary to the king’s pleasure.”

State of Protestants in Ireland, p. 172.

In the Memoirs of K. James, written by that monarch, or under his immediate inspection, it is indeed affirmed, “that the fear of disgusting the Irish catholics, on whom he wholly depended, and the hopes of recompensing
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narch was debarred the power of pardoning after the last day of the ensuing month of November, 1689—the pardon if not enrolled previous to that time being declared absolutely null and void. Another act was passed, of a very different

such protestants as suffered by the Act for rescinding the Acts of Settlement, induced the king at last to give his royal assent, *though he saw it was highly prejudicial to his interest*. Nothing but the unwillingness to disgust his only friends could prevail with him to foreclose himself in the Act of Attainder from the power of pardoning those comprised in it."

M^r Pherfon's State Papers.

It does not however appear from any authorized facts, that the least effort was made by James to counteract the barbarous and detestable proceedings of this pretended parliament. Nor is any other reason ever assigned by him throughout these Memoirs for his disapprobation of the most inhuman atrocities—of the acts of a Jeffries, a Rosen, or a Fitton—than the apprehension "that they would prove prejudicial to his interest." "It is remarkable," says sir John Dalrymple, "that in all the letters of James published by him, and in above a hundred more which are in king William's cabinet or Dr. Morton's possession, there is scarcely one stroke either of genius or sensibility to be found." The petition presented by the earl of Granard against the repeal of the Act or Acts of Settlement, the original Act being followed by an Act of Explanation, was drawn up in a very masterly manner by chief justice Keating. It may be found at length in Ralph's Historical Collections. "It were," say the petitioners, "a hard task to justify those acts in every particular contained in them; but if it be considered that, from October, 1641, until May, 1660, the kingdom was in one continued storm, that the alterations of possessions were so universal, and properties so blended and mixed by allotments and dispositions of the then usurping powers it may well be concluded, that they must be somewhat more than men that could frame a law to take in every particular case. But if it shall be found that they enjoy any thing without legal title, or have done any thing that may forfeit what they have purchased, they will sit down and most willingly acquiesce in the judgments. But to have their purchases made void, their lands and improvements taken from them, their securities and assurances for money lent, declared null and void by a law made *ex post facto*, is what was never practised in any age or country.—The purchaser ought to be wary of any flaw in the title at the time of the purchase made, and purchases at his peril if any such there be. But who is that purchaser that must beware of a law to be made twenty, thirty, or forty years after his purchase? This is not a defect in title, but a precedent which no human foresight could prevent; and, if once introduced, no purchaser can ever be safe.—'Tis manifest, if this bill proceed, all the protestants in the kingdom are undoubtedly and without reserve ruined."

different and much more ambiguous nature, to abolish the dependency of Ireland upon the parliament of England, and to prohibit the transmission of all writs of error and appeal to the English courts of judicature. A bill was also introduced for the repeal of Poyning's law; but this the king angrily resisted. A law was indeed enacted for liberty of conscience; but as this indulgence was not to take place till after the legal massacre of the protestants, it seemed only calculated to add insult to injury. A royal proclamation was about the same time issued, forbidding above five protestants meeting any where upon pain of death; and the question being submissively asked, whether this prohibition extended to the churches, colonel Luttrell, governor of the city, declared that it was intended to prevent their assembling there as well as in other places; in consequence of which the protestant clergy were universally silenced, and the religious assemblies of the protestants every where discontinued.

In the north of Ireland only was any show of resistance discernible. The city of Londonderry almost singly adopted the heroic resolution of shutting its gates against the late king James, braving all the horrors of a siege with a very distant prospect of relief. One Lundy had been appointed governor of this place, who appears to have been either a coward or a traitor, perhaps both. At a council of war, this officer declared his opinion that the place was not tenable; and a message was sent to the king, now far advanced on his march to the city, containing proposals of negotiation; and to request that the army might halt at the distance of four miles from the town. But James, full of resentment and indignation at their having presumed to entertain an idea of resistance, continued his march, in violation, as it is affirmed, of a previous agreement signed by general Hamilton, and in the evening of the 18th of April encamped under the walls of the city. The besieged, exasperated at this refusal to treat, made a furious sally, and

and compelled the king's forces to retire to St. John's-town in great disorder: Lundy the governor, finding himself the object of the popular rage, and perceiving his schemes completely frustrated, made his escape in disguise; and the inhabitants chose major Baker and Mr. Walker, a clergyman, joint governors, who prepared for the defence of the place with a resolution equal to any instance of the kind recorded in history. The city was very imperfectly fortified; the cannon wretchedly mounted; they had not one engineer to direct their operations; the garrison were strangers to military discipline; they were destitute of stores, and exposed to the attack of a numerous and enraged enemy, provided with all the implements for a regular siege, with the king at their head to incite their most ardent exertions. Yet no one in this dreadful exigency but disdained the mention of a surrender. While Walker pointed to the holy fanes, and Baker to the lofty bulwarks which surrounded them, the batteries were immediately opened; but in every attack the besiegers were repulsed with considerable loss. But in a short time the garrison and inhabitants had the additional calamities to contend against, of a contagious disorder and a scarcity of provisions, which by degrees arose to an absolute famine with its concomitant horrors. Wearied with the obstinacy of these refractory and determined people, the king withdrew to Dublin, and left the command with Rosen, who thundered out the most tremendous menaces in case they any longer delayed their submission—declaring that he would raze the town to its foundations, and destroy the inhabitants without distinction of age or sex. Finding these barbarous threats ineffectual, he ordered all the protestant inhabitants of the vicinity, to the amount of several thousands, to be drawn under the walls of Londonderry, there to perish if the refusal to surrender was persisted in; and at the same time declared, that he would lay the whole country waste if any attempt was made for their relief.

relief. The bishop of Meath having remonstrated to the king in person against these unheard-of cruelties, James replied, "that general Rosen was a foreigner, and used to these proceedings, which, though strange to us, were common in other places—but that he had already ordered him to desist." At length a prospect of relief appeared. An armament from England appeared in the Lough, having on board a considerable body of troops, commanded by general Kirke : but the enemy had erected batteries opposite the ships, and thrown a boom composed of timber, chains, and cables, across the narrow part of the river, so that it was very doubtful whether the passage could be forced. Taking advantage however of a favourable gale, the *Montjoy* boldly sailed athwart and broke the boom ; though she was run aground by the violence of the shock. But firing a broadside at the enemy, who attempted to board her while in this situation, she cleared herself and righted in a most extraordinary manner, and passed the boom, followed by the *Phoenix* and *Dartmouth*. They now continued their voyage without further molestation to the city, where they were received with transports of joy and acclamation—the garrison being reduced to the very last extremity of distress. M. de Rosen immediately raised the siege, July 31, 1689, with the greatest precipitation, having lost 8 or 9000 men before its walls, with more than 100 officers. The heroic defence of Londonderry was attended with the most important consequences ; and had it taken place in a more conspicuous scene of action, it might have ranked with the most celebrated military events of the same kind in the present or any other age—with the sieges of Haerlem, of Leyden, or Rochelle. The town of Inniskillen also distinguished itself by a very gallant and successful resistance, of which a minute, and, now that a century has intervened, somewhat tedious detail is to be found in the histories of the time.

On the 12th of August, 1689, M. Schomberg, a general
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of great reputation and experience, who had accompanied king William on his expedition to England, and who was now appointed to the chief command of the army destined for the relief of Ireland, landed with his troops, amounting to about 16,000 men, at Carrickfergus. After taking possession of the towns of Carrickfergus and Belfast with little opposition, he began his march to the southward. Upon his approach the Irish abandoned Newry, a strong post, and Dundalk; and here, in a situation very ineligible, M. Schomberg encamped his army in a low moist ground, having the town of Dundalk and the river towards the south, the Newry mountains to the east, and to the north hills and morasses intermixed. We are told that the marechal meant to have continued his progress, but was disappointed of his train of artillery, which was to have been embarked at Chester for Carlingford. The army, therefore, remained wholly inactive during the autumnal months at Dundalk: and inactivity is perhaps more destructive to an army than the bloodiest succession of battles. Rosen, hearing that the English general halted at Dundalk, said he was sure Schomberg wanted something, and ventured to advance as far as Ardee. Not choosing, however, to attack the English in their entrenchments, he contented himself with parading in front of their camp; but no provocation could induce Schomberg to engage, being much inferior in force, and conceiving the loss of a battle to be the loss of Ireland. This conduct was by no means approved by many of the English officers, who saw with indignation the ranks of the army dreadfully thinned by hunger, sickness, and the inclemency of the weather. They said the commander in chief formed his estimate from the numbers of the enemy, and not from their skill and courage. King William repeatedly urged him in his letters to put something to the hazard, but he would not deviate from his plan of defence. This general was now more than fourscore years of age: with him consequently the season

season of ardor and enterprise was passed; his reputation was fully established; and after so many victories as had distinguished his military career, he would not risque the disgrace of a defeat from an army of Irish rebels. In the meantime, a detachment of the Irish army under colonel Sarfield, accounted their best native officer, seized on the town of Sligo, important both by its strength and situation. Winter approaching, both armies went into quarters, to the great discontent of the English nation, who had formed very high and probably extravagant expectations from the skill and conduct of the general.

The parliament of England met, after a very short recess, on the 19th of October, 1689, and the session was opened by a very popular and excellent speech from the throne, which was remarkable for being the composition of the king himself, who produced it unexpectedly on the day preceding at the council board, written with his own hand. "He did not," he said, "engage in the war into which they had just entered, out of a vain ambition; but from the necessity of opposing the designs that were formed against us. It was well known how far he had exposed himself to rescue this nation from the dangers that threatened not only their liberties, but the protestant religion in general, of which the church of England was one of the greatest supports; and for the defence whereof he was ready again to venture his life. He urged the necessity of providing liberal supplies at the most early period, there being a general meeting appointed at the Hague of all the princes and states confederated against France, in order to concert the measures for the next campaign; and till the determinations of the English parliament were known, their determinations must be necessarily suspended. He concluded with, recommending in strong terms a bill of indemnity, that, the minds of his good subjects being quieted, they might all unanimously concur in promoting the welfare and honor of the kingdom." In return, the house
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of commons expressed their unanimous determination to prosecute the war against the French, in conjunction with the allies, with vigor and effect: and a large supply was immediately voted. A committee was then appointed to examine who were the advisers and prosecutors of the *murders* of Ruffel, Sydney, Armstrong, &c. and who were chiefly concerned in the arbitrary practices touching the writs of *quo warranto*, and the surrender of charters. This enquiry was levelled at the marquis of Halifax, who had a short time before resigned his office of speaker to the house of lords, and now saw the necessity also of relinquishing the privy seal, and withdrawing entirely from court, regretted only by the king. Perceiving himself the object of the detestation of the whig party, he now endeavoured to reconcile himself to the tories, who were glad to avail themselves of his abilities, though they despised his tergiversations, and placed no confidence in his sincerity. The whigs had on several occasions given much offence to the king, particularly by their pertinacious resistance to the bill of indemnity, and their invincible reluctance to settle a permanent revenue on the crown; by means of the first holding the rod over their adversaries the tories, and by the last keeping the crown itself in dependency. On the other hand, the tories had paid uniform and assiduous court to the king; and the earl of Nottingham in particular had, as bishop Burnet affirms, furnished the king with a scheme of all the points of the prerogative, and their connection with each other, and which he insinuated the whigs designed systematically to attack. And at this very period, pressing instances were made by the tories to the king to dissolve the present parliament—lavishing promises and professions of loyalty and attachment, should the king transfer the powers of government to them. These court intrigues coming to the knowledge of the whigs, a bill was introduced by them into the house of commons, for restoring corporations to their rights and privileges. The chief strength of the whig interest

interest lay in the corporation boroughs and commercial companies—the gentlemen of large landed property being for the most part tories. In this bill was inserted the following clause, dictated by the spirit of party violence—“that every mayor, recorder, &c. of any city or borough, who did consent to or join in the surrender of any charters, or did solicit or contribute to the charge of prosecuting any scire facias or information in the nature of a quo warranto, shall be adjudged incapable of holding or executing any office of trust in such capacity for the space of seven years. This was opposed by the whole strength of the tory party, as a clause fatal to their interest. After a fierce contest, the clause was negatived by a small majority, the influence of the court being powerfully exerted against it. In this state the bill was transmitted to the lords, by whom it was passed, not without much debate and difficulty. The tories, however, had persuaded the king, that to give his assent to the bill, even in its present form, would be a virtual surrender of himself to the whigs. Resolved, therefore, to risk the consequences of a rupture with the latter, he went to the house of peers on the 27th of January, 1690, and, after announcing his intention to repair in person to Ireland, prorogued the parliament to the 2d of April: but on the 6th of February a proclamation was issued for its dissolution, and a new parliament summoned to meet on the 20th of March, 1690.

While the parliament was yet sitting, the famous general Ludlow, a member of the high court of justice which passed a justly-merited sentence, though by a very questionable authority, on king Charles I. unexpectedly made his appearance in England, with a view of being employed in Ireland, where he had formerly served with great reputation. Being excepted in the act of indemnity passed at the restoration, he had retired to Vevay in Switzerland, where he had resided many years under the generous protection of the lords of the council of Berne. His paternal seat and estate at Maiden

Maiden Bradley, in Wilts, was held under a grant of the crown by sir Edward Seymour, a member of the house of commons, and a distinguished leader of the tory party, who took the first opportunity of representing to the house "how highly it reflected on the honor of the nation, that one of the regicides of that blessed sovereign, whose death was regarded by the church of England as a martyrdom, should not only be suffered to live unmolested in this country, but also entertained with hopes of preferment." Upon this the commons voted an address to the king, to issue his royal proclamation for the apprehending general Ludlow; which the king complied with, but not till Ludlow was safely arrived in Holland, whence he returned to his former residence at Vevay; where he wrote his celebrated Memoirs, which no unprejudiced person can read without being impressed with an high idea of his courage, constancy, patriotism and probity.

The dissolution of the Convention parliament was a severe blow to the whigs, who had given mortal offence by the late corporation bill to great numbers of individuals, who, though moderate in principle, had been more or less involved in the proceedings of the late reigns. On the return of the writs, it appeared that a great majority of tories were elected. The king's displeasure at the whigs appeared by the dismissal of the lords Monmouth and Delamere from the treasury, of which sir John Lowther was appointed first commissioner, under whom Mr. Hampden acted as chancellor of the exchequer; and the complexion of the new parliament immediately appeared by their choice of sir John Trevor as speaker, who had occupied the same office in the only parliament held in the late reign. In his speech, the king, after repeating the former declaration of his intention to prosecute the war in Ireland in person, urged upon them the settlement of the revenue, and informed them, that having often unavailingly recommended a general indemnity to the last parliament, he now proposed sending them
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an Act of Grace, with such exceptions only as might be sufficient to shew his great dislike of their crimes. He made mention of an union between England and Scotland, as an event which would be productive of great benefit to both nations ; and the parliament of Scotland having nominated commissioners for that purpose, he wished that commissioners might be nominated by the English parliament to treat with them.

Though the tory interest predominated in the new parliament, the whigs retained sufficient influence to prevent the revenue being settled for life : but a sort of compromise took place between the parties, and it was agreed that the hereditary excise should be granted for life, and the customs for four years from Christmas, 1690 ; with which the king appeared tolerably well satisfied. The first great trial of strength between the two parties was occasioned by a bill introduced by the whigs into the house of lords, recognizing their majesties as the rightful and lawful sovereigns of these realms, and declaring all the acts of the last parliament to be good and valid. This reduced the tories to an unpleasant dilemma. The words " rightful and lawful " were strongly objected against, and by the too easy consent of the house dropped as superfluous.* It would perhaps have been wise not to have added to the causes of irritation by offering these obnoxious words : but the rejection of them when offered

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* Nevertheless bishop Burnet, with his usual and characteristic inaccuracy, affirms " that these words passed with little contradiction." His *History*, as he styles it, is in fact a sort of loose and confused diary, written apparently from vague *memorandums* and imperfect recollection. Sir John Reresby informs us, " that the earl of Danby declared to him, that as to the terms ' rightful and lawful,' they were mere nonsense—for that, had the prince of Wales been made king, he could never have been deemed our lawful sovereign while his father lived. His lordship condemned, nevertheless, the bishops for their *squammishness* about taking the oaths, expressing his concurrence with lord Nottingham, that as his *highness* was here, and we must owe our protection to him as king *de facto*, he thought it just and legal to swear allegiance to him." Such were the heads of the present administration.

was peculiarly unfortunate. The disaffected clergy, who endeavored to establish the distinction of a king *de jure* and a king *de facto*, boasted, with some appearance of reason, that they were fully justified in this distinction—for even the parliament itself would not venture to declare the king a rightful and lawful sovereign. As to the latter clause, the tories would only consent to enact, that the laws passed in the last parliament should be good for the time to come—absolutely refusing to declare them valid for that which was past. After a vehement debate the bill was committed; but the declaratory clause was lost on the report by six voices; which gave rise to one of the most able and decisive protests recorded on the journals of the house of peers; at the conclusion of which the protesting lords thus express themselves: “If the last was no parliament, and their Acts no Law, the nation is engaged in a war without the consent of parliament; the old oaths of supremacy and allegiance remain in force, and the nation forced under color of law to swear fidelity to king William. The peers and commons now assembled are under a perpetual disability; and the nation is involved in endless doubts and confusions, without any legal settlement, or possibility to arrive at it, unless a parliament be summoned by king James’s writ, and the oaths of allegiance taken to him.” In consequence of this seasonable and vigorous exertion the clause was ultimately restored; upon which the tory lords, headed by the earl of Nottingham, signed a protest in their turn; in which they affirm, that the declaring of laws to be good which were passed in a parliament not called by writ in due form of law, is destructive of the legal constitution of the monarchy. This protest gave such offence, that the whigs moved, and triumphantly carried, a resolution for expunging it from the journals of the house. On the transmission of this bill to the commons, the tories thought it expedient to decline the contest. And when a solitary member on that side presumed to question the legality of the convention, as not summoned

summoned by writ, Somers the solicitor-general answered with great warmth and spirit, “ that if the convention parliament was not a legal parliament, they who were then met and who had taken the oaths enacted by that parliament, were guilty of high treason—the laws repealed by it were still in force—they must therefore return to their allegiance to king James. All the moneys levied, collected and paid by virtue of the acts of that parliament, made every one concerned in the execution of such acts highly criminal.” Struck with the irresistible force of these arguments, the house passed the bill without further debate; and thus, as it has been remarked, “ the tories themselves gave the last hand to that settlement which they had hitherto affected both to consider and represent as illegal.”

The intemperate violence of the whigs led them to another measure still more obnoxious to the tories than the former. This was a bill requiring from all persons holding offices, ecclesiastical, civil or military, an oath *abjuring* the late king James and his title. The reigning monarch, guided by the rectitude of his understanding and the moderation of his temper, entirely disapproved this bill, of which he caused an intimation to be given to the house of commons, recommending to them “ to go to other matters that were more pressing; and on a division it was rejected by a majority of 192 to 165 voices.

A bill for reversing the judgment on a *Quo Warranto* against the city of London, for restoring it to its ancient rights and privileges, and declaring the charters granted since the late judgment null and void, passed, with a proviso, that the act should not extend to discharge any of those persons who had acted as magistrates in virtue of those charters without the legal qualifications. Another bill, the counterpart of the former, soon followed, ordering the goal forfeitures, to which those persons were liable who had acted in any civil or military capacity in the late reign, in violation of the test laws, to be paid into the Exchequer; so that, notwith-

standing the clamorous opposition of the whigs, the high-church party were to be screened, and the dissenters punished, for offences precisely similar.

The session concluded May 21, 1690, with the Act of Grace announced by the king, which passed without debate, division or amendment in either house—the whigs, as it should seem, being wearied with fruitless opposition, and not choosing longer to thwart the king's inclination on this favorite point. On the first reading of the bill, April 26, in the upper house, and while they voted, all the lords stood up uncovered. Some of the more remarkable exceptions in the Act of Grace were, the marquis of Powis; the earls of Sunderland, Melfort, Huntingdon, and Castlemain; lord chief justice Herbert; the bishops of Durham and St. David's; the judges Withers, Jenner, and Holloway, &c. in all about thirty; and of these it does not appear that any were prosecuted to conviction, excepting such as were afterwards concerned in plots against the government. The light in which this extraordinary and indeed too indiscriminate lenity appeared to the zealous whigs, strikingly appears from a passage in a famous political tract of those times, written by lord Delamere: "May I not reckon as treacheries," says his lordship, "the advices and solicitations to our king, to send a general Bill of Grace and free Pardon, and without regard to exemplary justice, for those treasons and murders and other high crimes committed before his coming hither?—The exception made of a few, such as they are, without naming or distinguishing their crimes, without enacting any course for their prosecution, and without exemption from common pardons at pleasure, could amount to no more than to make the people hope in vain for some vindication of public justice. Time has shewn the craft of this contrivance, by the indemnity of all the persons excepted that are not since in rebellion against our king. No process has issued against any of them; not a penny of their estates, nor one hair of their heads hath been touched,

touch'd, and several of them have ever since sat in the house of lords as our legislators."

The earl of Shrewsbury was so highly disgusted at the turn things had now taken, that he determined upon resigning the seals as secretary of state, not yielding even to the pressing entreaties of the king to retain possession of them till his return from Ireland. Affairs were now entirely in the hands of Carmarthen and Nottingham, who were regarded as the heads of the high-church and tory party, who hated the whigs as republicans and levellers, and by whom they were equally and reciprocally detested as men of intolerant, arbitrary and despotic principles.

On the 4th of June, 1690, the king set out for Ireland, attended by the prince of Denmark, the duke of Ormond, and many other noblemen and gentlemen, and on the 14th arrived at Belfast, where he was met by marechal Schomberg. That general had obtained several advantages during the winter campaign. Colonel Wolfeley, at the head of a detachment of 700 infantry and 300 cavalry, had charged sword in hand and totally routed a body of 7 or 8000 Irish—an exploit which did not tend to remove the opinion previously entertained of the too great caution of the commander in chief. The important post of Charlemont was reduced, and several others less considerable; so that, upon the whole, the province of Ulster was nearly recovered. Advice of a prudential nature, conformably to the slow and dilatory system on which the war had been hitherto conducted, being offered again in council respecting the future operations of the army, the king declared "that he did not come to Ireland to let the grass grow under his feet." On a general review of the troops on the arrival of all the reinforcements, they were found to amount to no less than 36,000 effective men, English and foreigners. The king immediately began his march to Dundalk, afterwards advancing to Ardee; which the Irish with the late king at their head quitted upon his approach, and repass'd the

the Boyne, encamping in a very advantageous situation on the southern banks of the river. The Irish army was by no means equal even in numbers, and much less in courage or discipline, to that of the English. But James, contrary to the advice of his officers, who proposed strengthening their garrisons and retiring beyond the Shannon, was determined to risque a general engagement on this spot. The river was deep, and rose high with the tide; and his front being farther secured by a morass and rising ground, he could not be attacked without manifest disadvantage; so that he expressed much confidence of success, and declared "the satisfaction he felt in this opportunity of fighting one fair battle for his crown." On the 30th of June king William encamped at break-of-day with his whole army on the northern side of the Boyne, with a full resolution, notwithstanding the remonstrances of marshal Schomberg, to pass the river and attack the enemy on the next day. Upon reconnoitring the enemy's camp, the king made at one place so long a stop, that it was perceived by a party of horse on the opposite side; who bringing a couple of field-pieces to bear upon him, at the first discharge killed a man and two horses very near to his person, and by the second the king himself was slightly wounded, the ball grazing his right shoulder. This William treated as a trifle, but it occasioned great confusion amongst his attendants; and the report of his death flew rapidly to Dublin, and even to Paris, where it was celebrated with bonfires and illuminations. The king rode through the ranks by torch-light, previous to his retiring to his tent, in order by ocular demonstration to excite the most perfect conviction of his safety. The plan of the battle, without any previous communication, being transmitted by the king to marshal Schomberg late in the evening, that general received it with marks of dissatisfaction and discontent—declaring that it was the first which had ever been so sent to him.

Early in the morning of the 1st of July, 1690, the army passed in three bodies at Sloane to the westward, Old Bridge
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in the centre, and certain fords nearer Drogheda to the left. The different divisions of the English army seemed to vie with each other in gallantry, and with great resolution repulsed the attempts of the Irish to impede the passage. M. Caillemotte, a French refugee officer of great merit, receiving a mortal wound at the head of his regiment, was carried back to the English camp, and, meeting others crossing the river, encouraged them by exclaiming "A la gloire, mes enfans—à la gloire!" M. Schomberg perceiving the French protestants exposed, and in some disorder, from the loss of their commander, passed the river in haste without his armor, with all the ardor of youth, to put himself at their head. But the battle in this quarter being peculiarly hot and bloody, the marechal in a short time fell; whether by the fire of his own men, as was generally believed, or of the enemy, could not in that scene of carnage and confusion be clearly ascertained. This celebrated personage was regarded as one of the first military characters of the age; and he possessed all the virtues and accomplishments of a hero. He was nobly rewarded in England, for services expected rather than performed by him, with a dukedom and a parliamentary donation of 100,000 l. Walker the clergyman, who had rendered himself so famous by his defence of Londonderry, also lost his life in this action, gloriously combating in the cause of his country. Inflamed by the irresistible impulse of military enthusiasm, he could not, after that his brows were encircled with the laurel wreath of victory, reconcile himself to his former habits—and with him the GOWN ceded to ARMS. The courage, activity and presence of mind of the king himself were extremely conspicuous during the whole of this engagement; in the course of which he repeatedly charged the enemy sword in hand. An English soldier in the heat of the battle pointing his piece at the king, he turned it aside without emotion, saying only, "Do you not know your friends?" The day was far advanced, when the Irish at length began to retire on all sides; and general Hamilton, who

who commanded the horse, making a furious charge, in the desperate hope of retrieving the battle, was wounded and taken prisoner. On being brought into the presence of the king, who knew him to be the life and soul of the Irish army, William asked him, "if he thought the enemy would make any farther resistance?" to which Hamilton replied, "Upon my *honor*, I believe they will." The king, eyeing him with a look of disdain, repeated "Your HONOR!" but took no other notice of his treachery. The Irish now quit-
ted the field with precipitation; but William having neglected the advice of M. Schomberg to secure the pass of Duleek in the rear, they suffered little comparative loss in their retreat, which was covered by the French and Swiss troops under M. de Lauzun. The king also, recalling his troops from the pursuit, expressed himself averse to the unnecessary effusion of blood.

The rival monarch, far from contending for the prize of empire in the same spirit of heroism, kept his station with a few squadrons of horse on the hill of Dunore, to the south of the river, viewing through a telescope from the tower of the church the movements of the two armies. On receiving intelligence from count Lauzun that he was in danger of being surrounded, he marched off to Duleek, and thence in great haste to Dublin. On his arrival in that city he assembled the magistrates and council, and told them, with equal indiscretion and ingratitude, "that the army he had depended upon had basely fled the field, nor could they be prevailed upon to rally, though the loss in the defeat was but inconsiderable; so that henceforward he determined never more to head an Irish army, but resolved to shift for himself, as they themselves must also do." Having staid at Dublin one night, he departed for Waterford, attended by the duke of Berwick, the marquis of Powis, and the earl of Tyrconnel—ordering the bridges to be broken down every where behind him. At Waterford he embarked on board a French vessel, and was quickly conveyed to his
former

former residence in France. This dastardly conduct exposed him to the personal contempt of those who were most strongly attached to his cause—colonel Sarsfield, as it is said, declaring “that if they could change kings, he should not be afraid to fight the battle over again.” Immediately consequent to the victory, Drogheda was invested; but though the governor seemed at first resolute to defend the place, upon being told that if he compelled the king to bring up his heavy cannon he must expect no quarter, he thought proper to surrender. On the 5th of July the king encamped at Finglass, within two miles of Dublin, where he received advice of king James’s flight to Waterford, and subsequent embarkation for France. The principal catholics having also abandoned the metropolis, the protestants had recovered their ascendancy; and a deputation being sent requesting the king to honor the city with his presence, he made his public entrance the next day into Dublin, where he was received with triumphal acclamation.

The Irish army had now retired in confusion towards Athlone, a strong town on the banks of the Shannon. Dividing his forces, therefore, the king detached general Douglas to pursue the flying enemy, prosecuting himself his march to the southward, and taking possession successively of the towns of Carlow, Kilkenny and Waterford, acquisitions of great importance. About this period, a proclamation of grace and pardon was published, which the king was desirous to have made much more comprehensive; for the general and vague exception it contained, of “the desperate leaders of the present rebellion,” rendered it wholly nugatory: but the king was told by those vultures in human shape who prey upon property, and are ravenous for confiscations, that there was a necessity for breaking the power of the great Irish chieftains. General Douglas having reached Athlone on the 17th of July summoned the town to surrender; but colonel Grace the governor, undaunted by the ill success which had recently attended their arms,

arms, fired a pistol at the trumpeter, saying "These are my terms." The English general on this resolved on undertaking the siege of the place: but his force was not adequate to the enterprise; and after battering the castle for some days with little effect, he hastily withdrew his troops, finding that general Sarsfield was on his march to relieve the fortress, at the head of 15,000 men. But the principal object of the campaign, now far advanced, was the reduction of the important city of Limerick, in the vicinity of which the Irish had concentrated the far greater part of their force. The town is situated partly on an island in the midst of the Shannon, which is here very broad and deep, with suburbs extending to both the opposite shores—the three divisions being connected by bridges. The fortifications had been lately strengthened by additional outworks constructed under the direction of French engineers. The garrison consisted of no less than fourteen regiments of foot, exclusive of horse and dragoons; and the remainder of the Irish army, now recovered from its consternation, with the French auxiliaries to the amount of many thousands, lay at a small distance waiting and watching the favorable opportunities of attack. Possibly the king, judging from the uninterrupted career of success he had hitherto experienced, might be prompted to hold the talents and resources of the enemy too cheap. A junction being formed between the king's forces and those employed in the attack of Athlone, within a few miles of Limerick; the city was invested with trivial opposition on the 9th of August, 1690: and a summons being sent to the governor M. Boisseleau, that officer replied, "that he thought the best way to gain the prince of Orange's good opinion, was by a vigorous defence of the fortress entrusted to his care." The siege was now prosecuted with great diligence, and the place defended with equal resolution; but a most disastrous incident took place in the surprisal, by general Sarsfield, of almost the whole train of heavy artillery destined for the besieging.

sieging army, and the total destruction of the carriages, waggons and ammunition; after having previously attacked and cut in pieces the detachment by which the convoy was guarded. The event of the siege was from this time very doubtful. At length, a breach having been made of about 12 yards in breadth, the king ordered a general assault. But the courage of the enemy seemed on this occasion to rise to fury. After being driven from the counterscarp, they returned to the attack with an impetuosity never exceeded; the very women rushing forwards and encouraging the soldiers of the garrison with Amazonian fortitude. In fine, the English were repulsed with the loss of 1200 of their choicest troops: and the operations of the besiegers being also impeded by the weather, which had now become very unfavourable, the king gave orders, in two days after this unsuccessful attempt, to raise the siege; and the army retreated towards Clonmell. Having constituted lord Sydney and sir Thomas Coningsby lords justices of Ireland, and leaving the command of the army with count Solmes, who soon after resigned it into the able hands of general Ginckel; his majesty embarked at Duncannon on the 5th of September, 1690, for England, and arrived safely within a few days at Windsor.

In the course of the autumn, the earl of Marlborough, who had already distinguished himself by his military talents, gained great increase of fame by a successful attack on Cork and Kinsale with 5000 troops from England, joined, agreeably to the project he had formed, by 5000 more in Ireland. By the capture of these cities, all connection between Ireland and France on that side was cut off; and the earl of Marlborough returned to England covered with laurels, having been absent on this important expedition only thirty-seven days. The duke of Grafton, natural son of the late king Charles II. a young nobleman highly amiable and accomplished, fell bravely fighting in the first of these attacks. When the earl of Marlborough was

was introduced to the king at Kenfington on his return, that monarch, far from appearing jealous of his success, bestowed upon him the highest encomiums, and declared that he knew no man so fit for a general who had seen so few campaigns.

In order to avoid the necessity of reverting to the Irish war, which was protracted to a late period of the succeeding year, it may be proper here to subjoin the principal occurrences which took place from the departure of the king, to its final termination. Although it had been the object of the king's anxious solicitude to restrain the ravages of the soldiery, divers examples of great severity being made by him during his residence in Ireland : the most atrocious excesses were, as is universally acknowledged, committed during the winter upon the helpless inhabitants ; and it was difficult to ascertain whether they suffered more from their catholic oppressors, or their protestant protectors. Between them the country was dreadfully harassed, and the stock of cattle and corn in many parts almost entirely destroyed. About the beginning of June, 1691, general Ginckel, being now reinforced by a considerable body of troops from Scotland under general Mackay, took the field, and immediately directed his march to Athlone, taking in his way the town of Ballymore, which was fortified and garrisoned as a sort of advanced post, and on the 18th sat down before Athlone. The town is divided into two parts by the Shannon : that which is situated to the eastward of the river was soon carried by assault ; but the chief strength of the besieged lay in the fortifications on the Connaught or Irish side, defended by a castle which could not be approached but by forcing the passage of the river ; and several vigorous attempts were made, though unattended with success, to gain possession of the bridge. This somewhat disheartening the troops, a council of war was held on the 30th, to determine whether it would not be adviseable to raise the siege. On which the generals Mackay, Talmash, Rouvigny,

vigry, &c. urged that no brave action could be performed without hazard, and gave it as their opinion that the attack on the bridge should be given up, and the passage of the river attempted at a ford a little below the bridge; and they offered themselves to head the troops which should be destined to the service. General Ginckel, who well knew what wonders military enthusiasm can perform, acceded to an offer which a too considerate commander would have deemed romantic and impracticable. The fords of the Shannon are few and dangerous. That in question was only wide enough for twenty men to march abreast. The bottom was rocky, the stream flowing with prodigious rapidity, and rising in the shallowest part nearly breast high. On the opposite shore was a bastion raised to defend the pass. In order to deceive the enemy, the troops were not drawn out till six o'clock, the usual time of relieving guard; and on ringing the church bell, the customary signal, a detachment of grenadiers, supported by six battalions of infantry, commanded by the prince of Wirtemberg, the generals Mackay, Tetteau, and Talmash, who served that day as a volunteer, entered the water by twenties, to the astonishment of the Irish, who immediately began a very heavy fire from all their forts and batteries. General Sarsfield communicating in haste to M. St. Ruth, now commander in chief of the combined armies of French and Irish lying at the distance of a few miles from the town, that the English were actually attempting the passage of the river, and demanding immediate succours, St. Ruth treated the intelligence very lightly, and affirmed the thing to be impossible. "They dare not make such an attempt," said he, "and I fo neas! I would give 1000 pistoles to find it true." Sarsfield, amazed at the vanity and incredulity of this commander, told him, "he would find English courage capable of attempting any thing." Unappalled at the dangers which surrounded them, the assailants gradually advanced forward, in the face of a most tremendous fire; and

and having at length forced their way and gained the opposite bank, the rest of the army soon followed on pontoons, and planks thrown across the broken arches of the bridge. The Irish, seized with consternation, scarcely attempted resistance; and in half an hour the town was in possession of the besiegers, with the works, which remained entire towards the enemy's camp. St. Ruth now made a late and vain attempt to dislodge the English: but the cannons of the garrison were by this time turned against him; and on that very night he decamped with his whole army without beat of drum, and took a new and very strong position in the neighbourhood of Aghrim, resolving there to risk the fate of a general engagement.

The Irish camp was extended two miles on the ridge of a hill, with a morass in front, passable only by a narrow central path, crossed by the river Suke, and defended at the extremity by the castle of Aghrim; on their left were steep hills rising among swamps; and on the right was a pass defended by two old forts about half a mile from the morass, the interval being occupied by many small enclosures lined with musqueteers. General Ginckel, having viewed the enemy's position, declared his determination to attack them, for that a retreat must be attended with loss and disgrace. St. Ruth on his part, perceiving the preparations made for that purpose, exerted all the efforts of an able commander to counteract them, making an harangue to his troops well calculated to produce upon minds so gross and barbarous a very powerful effect. "He told them how successful he had been in suppressing heresy in France, and bringing over a vast number of deluded souls into the bosom of the church. That for this reason his master had made choice of him before others to establish the church of Ireland on such a foundation that it should not henceforward be in the power of hell or heretics to disturb it: and that all good Roman Catholics depended on their courage to see these glorious things effected. He confessed that matters did not entirely
answer

answer his expectation since he came among them, but that still all might be recovered. That he was informed the prince of Orange's heretical army was resolved to give them battle; that now or never was the time for them to recover the lost honors, privileges, and estates of their ancestors; that they ought now to remember they were no mercenary soldiers; their all being at stake, and their design to restore a pious king to his throne, to propagate the holy faith, and extirpate heresy. And lastly, to animate their courage, he assured them of king James's love and gratitude, of Louisa the Great's protection, of himself to lead them on, of the church to pray for them, and of saints and angels to carry their souls into heaven." He closed his speech with a strict order to give quarter to none, especially not to spare any of the French heretics in the prince of Orange's army. He took likewise the most effectual way possible to infuse courage into the Irish, by sending their priests among them to animate them by all the methods they could think of; and especially, as the most powerful and impressive, making them swear on the sacrament never to forsake their colors.

About eleven in the morning of the 12th of July (1691), being Sunday, the English army advanced to the edge of the morass with a view to force the passes, which were defended by the enemy with surprising and enthusiastic resolution. No ground, after several hours' contest, being gained, a feint was made on the enemy's left; on which large reinforcements being sent by St. Ruth to that quarter, to the weakening of the right and centre, the passes after much effusion of blood were ultimately forced. No sooner, however, had the English obtained firm footing on the other side of the morass and begun to ascend the hill, than the main body of the enemy fell upon them with such fury, that the assailants were compelled to retreat with precipitation into the morass; at the sight of which St. Ruth cried out in a bravado, "Now will I drive the English army back to the gates of Dublin." Reinforcements arriving, however, the English

English again rallied ; and the enemy at the same instant sustaining an irreparable loss by the death of their general, who, still confident of victory, was, by one of those accidents which mock all calculation, taken off by a random ball, the fate of the battle was at once decided. Sarsfield, next in command, but to whom St. Ruth had not deigned to communicate his dispositions, was unable to counteract the despair of the moment. The camp was abandoned, and great slaughter was made by the cavalry and dragoons in the pursuit.

The English army marched forward with all expedition to Galway, which made no memorable resistance. But Limerick, now the last resource of the Irish nation, displayed, under the gallant auspices of Sarsfield, every symptom of determined and heroic fortitude. On the 26th of August that city was a second time invested on the Munster side ; two days previous to which died within its walls the earl of Tyrconnel, at one period so conspicuous in Irish history, but who had become odious to the French by his treachery, and to the Irish by his pusillanimity in exhorting his countrymen to an accommodation, since, as he said, their ruin was otherwise inevitable. His admonitions were thought to have more weight after his death than during his lifetime. The operations of the army were seconded by a squadron of ships of war, which sailed up the Shannon and did considerable service. The siege being pressed for near a month and little advance made, the enemy receiving continual supplies from the other side of the river ; general Ginckel, at the head of a large division of the army, passed the Shannon over a bridge of boats on the 22d of September, some miles above the town, leaving the prince of Wirtemberg, Mackay, and Talmash to command on the other side ; and, after several bloody encounters, succeeded in effecting the complete investment of the city. The garrison now seemed to think only how to secure the best terms for themselves. And general Ginckel, well knowing the beneficent

ificent inclinations of the king in that respect, as well as his solicitude to bring the war in Ireland to a conclusion, acceded without difficulty to terms not indeed in the estimate of moderation and wisdom too favorable, but far more so than in their situation it was reasonable to hope.

On the first of October (1691), the lords justices arrived in the English camp; and on the 3d the articles were signed. The capitulation of Limerick is still famous in Irish history. In it is comprehended not the surrender of Limerick merely, but of all the forts, castles and garrisons still in possession of the Irish. In return for which, among many other regulations of subordinate importance, a general indemnity is granted; and they are reinstated in all the privileges of subjects, on condition of taking the oaths of allegiance, without being required to take the oath of supremacy. They were also restored to the enjoyment of such liberty in the exercise of religion as was conformable to that which they possessed in the reign of Charles II. All officers and soldiers in the service of king James desirous to go beyond sea were to be furnished with passports, convoys, and carriages by land and water, to the amount of 70 transport vessels, accompanied, for their protection and the accommodation of the officers, by two ships of war—and they likewise had liberty to transport 900 horses. It was also conceded, that no person should be impleaded for any trespass committed, or rents received or enjoyed, since the commencement of the war. The inhabitants of Limerick and other garrisons were empowered to remove their goods and chattels, without search, visit, or payment of duty. Finally, it was agreed that all prisoners of war should be set at liberty. The lords justices, conscious that they had ventured beyond the utmost limit of their legal powers, engaged that their majesties would use their endeavors that these articles should be ratified and confirmed in parliament. The military commanders on their part allowed all the respective garrisons to

march out of the towns and fortresses yet in their possession, with the honors of war.

Such were the terms which this devoted portion of a great and generous but unfortunate nation, who had displayed a firmness and gallantry worthy of a far better cause, obtained from the wisdom and benignity of the British monarch. But great offence was taken at these articles, by the malignity of some, and the rapacity of others, who hoped and expected to have converted the whole country, for their own individual emolument, into one tremendous mass of misery, confiscation, and ruin. For to such a state of selfish and remorseless depravity may human nature be degraded, that, to use the forcible language of lord Bacon, "there are those who would not hesitate to set their neighbor's house on fire, merely to roast their own eggs by the flames." The many thousands who retired to the continent, left behind them, however, sufficient property to gratify any ordinary lust of wealth or vengeance: and the refugees were received, on their arrival in France, with that kindness and generosity which happily on so many occasions serve to soften the traits of the dark and terrific character of Louis XIV. General Ginkel was solemnly thanked by parliament for his services; and the titles of earl of Athlone and baron Aghrim were conferred upon him, in perpetual commemoration of his heroic achievements.

On the king's departure for Ireland, the queen was constituted sole regent, with a cabinet council consisting of nine persons, four of whom were whigs*—but the real power was supposed to reside in the lords Carmarthen and Nottingham.

* These were the marquis of Carmarthen, president of the council; the earl of Nottingham, secretary of state; the earl of Pembroke, who had superseded admiral Herbert, created earl of Torrington, in the admiralty; sir John Lowther, first commissioner of the treasury; and the earl of Marlborough, who were all accounted of the tory party. The whigs were the earl of Devonshire, lord steward; earl of Dorset, lord chamberlain; the earl of Monmouth, and Mr. Edward Russell.

ham. The whigs, therefore, had little reason to be satisfied with this arrangement. The queen had hitherto led a very private and domestic life, occupied with the amusements of reading and working with her ladies of honor; very charitable and exemplary in her social and religious duties, wholly inattentive to political transactions. But it now appeared that she was by no means destitute of talents for business, and, notwithstanding the perpetual conflict between the two state factions, she governed with such mildness, which on no occasion degenerated into weakness; and mediated with such address, without any tincture of duplicity or artifice, that by a rare fortune she rose higher than ever in the estimation of both. Endowed with all the accomplishments of her sex, she conciliated the most stubborn by the engaging affability of her manners. Dignified in her person, of a pleasant and cheerful countenance, frank and noble in her manners, above all disguise and concealment, studying only how to promote the welfare and happiness of the nation who had raised her to her present exalted pre-eminence, and to deserve their love and confidence--history exhibits perhaps no character which will endure the test of a more rigorous investigation. How unjustly she has been accused of a want of sensibility, her letters to the king her husband clearly demonstrate. During the Irish war, notwithstanding the complacency of her outward deportment, her heart was torn with apprehension and solicitude; and the intelligence of the victory of the Boyne appeared, as the earl of Nottingham informs us, to afford her no pleasure till he assured her of the safety of the king her father.

The first great object of the government during the regency was to fit out a fleet, equal at least to that which the French were preparing in the harbor of Brest. In this, however, the English admiralty was not successful. By the surprising exertions of M. de Seignelay, the marine minister of France, a fleet of no less than 78 ships of the line, com-

manded by the count de Tourville, entered the English channel, and were discovered off Plymouth on the 20th of June, 1690. The earl of Torrington, commander in chief of the combined squadrons of English and Dutch, fell down to St. Helens, in order to give the enemy battle, though inferior in force by no less than 22 ships of the line; thirty ships of war lying in Plymouth Sound not being able to join them. Lord Torrington, extremely chagrined at this disappointment, would have avoided an engagement: but the queen was over-persuaded to send him positive orders to fight; so that, standing far up the channel, he again bore down upon the enemy off Beachy-head, on the 30th of June, making two hours after day-break the signal for battle, which the French were not disposed to decline. The Dutch squadron, which led the way, were soon engaged with the van, and the blue division of the English with the rear of the French; but the red, which formed the centre, under the command of Torrington in person, could not, or at least did not, come into action till ten: and even then a wide interval was left between the centre and the van; of which the French took the advantage, and surrounded the Dutch ships in such a manner, that they would have been entirely cut off or destroyed had not the centre division at length bore down to their assistance, and drove between them and the enemy. About five in the afternoon the action was interrupted by a calm; and the English admiral, perceiving how severely the fleet had suffered, thought it expedient to wave a renewal of the engagement; and weighing anchor at the close of day, he retired eastward with the tide of flood. The French, who had neglected to anchor, drifted to the westward, and in the morning were descried at almost viewless distance: and pursuing also in a regular line of battle, less damage was sustained than there was reason to apprehend. They nevertheless followed as far as Rye; and the English were compelled to burn the disabled ships, that they might not fall into the hands of the French.

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Upon the whole, this was the most signal victory ever gained by the French over the English upon their own element. Such, indeed, was the heroic bravery with which the van and rear divisions fought, oppressed as they were with the superiority of numbers, that no vessel would strike its colors: but three Dutch line of battle ships were sunk in the engagement, and three more stranded and burnt in the pursuit; besides two ships lost by the English. The Gallic admiral giving over the farther chase as fruitless, the earl of Torrington brought the shattered remains of his fleet into the Thames, whence, devolving the command upon sir John Ashley, he immediately repaired to the metropolis, which he found in a state of the greatest consternation; he himself being the chief object of the popular rage and resentment. Nothing less than an immediate invasion was expected; but the French fleet, after insulting the coasts now wholly defenceless, made the best of their way back to the harbour of Brest.

The conduct of the queen in this critical emergency indicated great fortitude and spirit. She issued a proclamation, requiring the immediate service of all able seamen and mariners, with bounties for rendering themselves voluntarily, and penalties for disobedience. She ordered a great number of new commissions for the army, and a camp to be formed in the vicinity of Torbay, where a descent was deemed most probable. She caused to be apprehended the earls of Litchfield, Aylesbury, Castlemaine, and the lords Preston and Bellasis, with various other disaffected persons. She deprived the earl of Torrington of his command, and sent him prisoner to the tower; and deputed an envoy extraordinary to the states-general, to inform their high mightinesses, how much she was concerned at the misfortune which had befallen their squadron in the late engagement, and at their not having been seconded as they ought; which matter her majesty had directed to be examined into,

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in order to recompense those that had done their duty, and to punish such as should be found to have deserved it; that she had directed 12 great ships to be fitted out, and hoped the states would do their utmost to reinforce their fleet in this conjuncture." How far the earl of Torrington, allowed to be one of the best and bravest seamen of his time, was censurable in this business, seems not perfectly clear. The Dutch exclaimed against him with the bitterest acrimony, and the French accounts represent him as extremely deficient in naval conduct. The earl of Nottingham, in his official letter to lord Dursley ambassador at the Hague, expressly charges him with treachery; and the earl of Torrington, on the other hand, brought an accusation against Nottingham for purposely suppressing the necessary intelligence. After lying many months in the Tower, he was at last brought to a trial by a court martial, and, to the indignation of the country, acquitted; but the king dismissed him from the service, and he never afterwards recovered any share of reputation.*

On

* It must be confessed, that lord Torrington's official letter off Beachy to lord Carmarthen is extremely vague and unsatisfactory. He only says, "That on the preceding day, according to her majesty's order, they had engaged the enemy's fleet. The Dutch had the van. By the time they had fought two hours, it fell calm; which was a great misfortune to them all, but most to the Dutch, who being most disabled, it gave the French an opportunity of destroying all their lame ships; which he had hitherto prevented by falling with the red squadron between them and the enemy." He acknowledges, nevertheless, "it is utterly impossible to make good their retreat, if pressed by the French;" and exclaims, "I pray God send us well off!" "Had I," says he, "undertaken this of my own head, I should not well know what to say; but it being done by command will, I hope, free me from blame."

On the 2d of July, 1690, the queen, in a private letter to the king, thus expresses herself: "What lord Torrington can say for himself, I know not; but I believe he will never be forgiven. The letters from the fleet, before and since the engagement, shew sufficiently he was the only man there who had no mind to fight; and his not doing it was attributed to orders from hence. I am more concerned for the honour of the nation, than any thing else. But I think it has pleased God to punish them justly; for they really

On the 2d of October, 1690, the English parliament assembled at Westminster; and the leading topics of the speech from

really talked as if it were impossible for them to be beaten."—On the intelligence of the victory at the Boyne, the queen writes, July 17: "How to begin this letter I do not know, or how ever to render God thanks enough for his mercies. Indeed they are too great, if we look on our deserts: but, as you say, it is his own cause; and since it is for the glory of his great name, we have no reason to fear but he will perfect what he has begun. When I heard the joyful news from Mr. Butler, I was in pain to know what was become of the late king, and durst not ask him. But when lord Nottingham came, I did venture to do it, and had the satisfaction to know he was safe. I know I need not beg you to let him be taken care of, for I am confident you will for your own sake; yet add that to all your kindness, and for my sake let people know you would have no hurt come to his person."——August 5th: "We have received many mercies, God send us grace to value them as we ought! But nothing touches people's hearts here enough to make them *grow*; that would be too much happiness."——August 19th: "Holland has really spoiled me in being so kind to me. That they are so to you, 'tis no wonder. Would to God it were the same here!"——August 26th: "I am in greater fears than can be imagined by any who loves less than myself. I count the hours and the moments, and have only reason enough left to think that as long as I have no letters all is well. Yet I must see company upon my set days, I must play twice a week, nay I must laugh and talk though never so much against my will. I believe I dissemble very ill; yet I must endure it. All my motions are so watched, and all I do so observed, that if I eat less, or speak less, or look more grave, all is lost, in the opinion of the world."——*Dalrymple's State Papers.*

King William told the duke of Leeds before his departure for Ireland, as lord Dartmouth in his MS. memorandums on bishop Burnet's history informs us; "that he must be very cautious of saying any thing before the queen that looked like a disrespect to her father, which she never forgave; and that the marquis of Halifax had lost all manner of credit with her for his unseasonable jesting upon this subject. That he, the duke, might depend upon what she said to him to be strictly true, though she would not always tell the whole truth; and that he must not take it for granted that she was of his opinion every time she did not think fit to contradict him." This princess, asking the cause of her father's resentment against Mr. Jurieu, was told by bishop Burnet, "that it was on account of some indecencies spoken of Mary queen of Scots." On which she replied, "Jurieu must support the cause he defends, in the best way he can. If what he says of the queen of Scots be true, he is not to be blamed for the use he makes of it. If princes will do ill things, they must expect the world will take revenge on their memories, since they cannot reach their persons."

from the throne were the success of the war in Ireland, the late naval defeat, and the necessity of acting with vigor in support of the confederacy abroad. The most loyal addresses were returned, and extraordinary supplies voted, to the amount of four millions—at that time the largest sum ever asked, or given to a king of England, in one session. And in order that the money thus liberally bestowed might be honestly expended, a committee of accounts was at the same time instituted, consisting of nine members of the house of commons, invested with full powers to summon whatever persons they thought proper, and to tender them an oath to answer all such questions as should be required of them. In the month of November lord Sydney was appointed secretary of state, in the room of the earl of Shrewsbury; and lord Godolphin first lord of the treasury, in the room of sir John Lowther. This nobleman was one of those rare characters, upon which the tooth of malice knows not how to fasten. Though strongly attached to the tory party, and even suspected of a predilection to the interests of the late king, in whose favor he had stood very high; such was the clearness of his head, and the incorruptibility of his heart, that the choice now made seemed to give great and almost universal satisfaction. He had been employed in the business of the treasury, by the two last sovereigns, with the highest reputation to himself, and advantage to the public; and his example, yet more than his authority, would, as it was hoped, restrain those abuses which, in situations exposed to perpetual temptation, it will ever be found impracticable wholly to eradicate.

The king was now impatient to repair to the grand congress appointed to be held at the Hague during the present winter. On the 5th of January, 1691, therefore, he came to the house, and, communicating his intentions in a very handsome speech, gave his assent to the bills which were ready, and put an end to the session. Early in the same month the king embarked at Gravesend, under a convoy of a
powerful

powerful squadron commanded by admiral sir George Rooke; and on the 18th about noon, being informed by a fisherman that Goree was distant only a league and a half, his majesty resolved to quit the yacht and go on board a shallop, attended by the duke of Ormond, the earls of Devonshire, Dorset, Portland, and several other persons of distinction. But, a thick fog coming on, and the coast being surrounded with ice, they were not able to make the shore, and for the space of 18 hours, exposed to the inclemency of a winter's night, were tossed about at the mercy of the winds and waves. The sea ran very high, and the danger was extreme: but the fortitude and even heroism of the king, in this situation, did not for a moment forsake him. On hearing some of the sailors express their apprehension of the event, "Are you then," said he, "afraid to die in my company?" Soon after day-break, however, they made good their landing on the island of Goree, and about six in the evening arrived at the Hague; where he was received with transports of joy, and immediately complimented by the states-general, the states of Holland, the council of state, the other colleges, and the foreign ministers. On the 26th he made his public entry by desire of the magistrates; several triumphal arches having been erected to represent his achievements, and all the burghers appearing in arms with unusual magnificence. In the evening, fireworks were exhibited, and the cannon fired on the Vixerborg opposite his palace, and bonfires lighted through the whole town. Two days after, the king went to the assembly of the states-general, and addressed them in an affectionate speech, in which he reminded them, "that the last time he was with them he had declared his intention of going over to England, to deliver that kingdom from the evils with which it was threatened—That God had so blessed his just intentions, that he had met with success, even beyond his hopes—That the English having offered him the Crown, he had accepted it, as God was his witness, not out of ambition, but solely to preserve the religion and laws

laws of the three kingdoms ; and to be able to assist his allies, and especially the United Provinces, against the power of France---That he could have wished to have aided them sooner, but was prevented by the affairs of Ireland ; which being now in a better condition, he was come to concert measures with the allies, and to exercise the functions of stadtholder." The rest of his speech consisted of expressions of his zeal and affection for the republic. He was answered with the respect and acknowledgment due to a prince who was looked upon as the father of his country, the deliverer of Europe, the preserver of the protestant religion, and the soul of the grand alliance.

After this, was opened the most extraordinary and splendid congress of princes and ministers which Europe had ever known. Of those who attended in person, exclusive of the king of Great Britain, were the electors of Brandenburg and Bavaria ; the dukes of Wirtemberg, Holstein, Brunswick, and Zell ; the landgraves of Hesse-Cassel and Darmstadt ; the princes of Anhalt, &c. &c. The ambassadors present were those from the emperor, the kings of Spain, Denmark, Sweden, and Poland ; the electors of Saxony, Treves, Mentz, Cologne, and the elector Palatine ; the dukes of Savoy and Hanover ; the bishops of Munster, Liege, &c. &c. To this illustrious assembly his Britannic majesty addressed himself in an eloquent and pathetic speech, representing to them " the imminent dangers to which they were exposed from the power and ambition of France. In the circumstances they were in," he said, " it was not indeed a time to deliberate so much as to act. Every one ought to be persuaded, that their respective and particular interests were comprised in the general one. If not opposed with united vigor, the enemy would like a torrent carry every thing before them. Against such power and such injustice it was in vain to oppose complaints, or clamors, or unprofitable protestations. Nothing but the force of superior armies could put a stop to his conquests, or rescue Europe from

from the impending ruin. As to himself, he would neither spare his forces, credit, nor person, in so just and necessary a design. And he proposed to appear, in the spring, himself at the head of the army of the allies, and they might depend upon his royal word for the strict performance of his engagements."

Actuated by the same spirit, and animated by the example of their head, the assembly came without delay or hesitation, to the most vigorous resolutions: and it was agreed to employ in the ensuing campaign 222,000 men against France, of which aggregate number each state was to furnish its specific and equitable proportion. The congress broke up early in March; and it was remarked by historians, that no disputes relative to precedence, or any perplexing etiquette of state, so common in assemblies of this nature, impeded their deliberations. In the presence of the king of England, whose character was marked by simplicity, who was above all ostentation, and whose dignity descended not to call in the assistance of pride to its support, those frivolous and minute distinctions which appear in the eyes of the vulgar of all ranks so important, shrunk into their native nothingness.

The king, after passing some weeks at his favourite residence of Loo, embarked for England, and arrived safely at Whitehall on the 13th of April (1691). The chief event which occurred during the absence of the king, was the discovery of a conspiracy against the government, ill-concerted, indeed, and imperfectly digested. Notice being given to lord Carmarthen by the owner of a vessel at Barking in Essex, that it was taken up to carry some unknown persons to France, it was so contrived that it should be boarded under the pretext of searching for seamen the moment she fell down to Gravesend; when three passengers were found in the hold, who proved to be lord Preston, secretary of state to king James; Ashton, who had occupied a place in the household of the late queen, and one Elliot.

Elliot. Certain papers which Ashton attempted to throw into the sea were also secured, and Lord Preston's sent of office. Upon examining the papers, they were found of a very miscellaneous nature. The most remarkable of them was styled "The result of a conference between some lords and gentlemen, both tories and whigs, respecting the restoration of king James,"—though, as the paper adds, "without endangering the protestant religion and civil administration, according to the laws of this kingdom." For such was the rage of faction, as to prevent their discerning the utter incompatibility of these things; and even to cast a veil over the deep moral and political guilt of endeavoring to subvert a government lawfully established; from motives of personal animosity, interest or caprice: The counter-revolution in view being however professedly founded on whig principles, and designed to be carried into effect by the instrumentality chiefly of the whig party, this strange paper was drawn up in an high strain of liberty, such as would have given probably at the court of St. Germaine's nearly as much offence as the most hostile manifesto. "The natural wealth and power of these kingdoms being," as it is expressed, "in the hands of the protestants, the king may think of nothing short of a protestant administration, nor of nothing more for the catholics than a legal liberty of conscience—He may reign a catholic in devotion, but he must reign a protestant in government—He must give us a model of this at St. Germaine's, by preferring the protestants that are with him above the catholics."—And from the general tenor of this paper, and of the declaration annexed, it is plain, that the whigs concerned in this political intrigue—far with regard to them the business had not advanced, and in all probability never would have advanced farther—insisted upon nothing less, on the part of the king, than an entire surrender of himself into their hands. Amongst a great number of letters, were two by Dr. Turner bishop of Ely, to the king and queen, under the names of

Mr.

Mr. and Mrs. Redding, full of expressions of high-flown loyalty, and assuring them "that he spoke the sentiments of his *elder brother* and the rest of his relations." In a paper of memorandums in the hand-writing of lord Preston were found the names of the lords Dorset, Cornwallis, Montague, Stamford, Shrewsbury, Macclesfield, Monmouth, Devonshire—immediately after which follow the words "In February the king come to Scotland—endeavor to unite the episcopal and presbyterian parties—land at Leith—the Scots army, not a French one—5000 good Swedish foot—the reputation of a protestant ally—two months to settle Scotland—leave all to free parliament, &c. &c."—From these dark and doubtful hints men were left to draw their own variable conclusions.

Elliot found means to make his peace with government, but the other delinquents were brought to their trials before lord chief justice Holt; and both lord Preston and Mr. Ashton were pronounced guilty. The latter, a blind and honest bigot, suffered with great resolution; but the former, who was supposed to have communicated the whole secret of the intrigue or conspiracy to the government, was ultimately pardoned. Shortly after, a proclamation was issued for the apprehending the bishop of Ely, Mr. James Graham, and Penn the famous quaker, noted for his attachment to the Stuarts. But they had previously absconded, as it was, no doubt, the intention of government they should. The earl of Clarendon, uncle to the queen, who had refused the oaths, was committed to the Tower: but after a confinement of some months, though his guilt was indubitably ascertained by the intercepted letters, he was released by the king's order, out of tenderness to the queen, and merely confined to his house in the country. Lord Dartmouth was also sent to the Tower, where he soon after died and was buried with funeral honors. Upon the whole, the wisdom and discretion of the government were conspicuous in the whole of this transaction:

action: no one of the whig lords, supposed privy to it, being questioned; but on the contrary the evidence against them was assiduously suppressed; and all things reverted to their former state, without any farther or more valuable sacrifice than the life of the unfortunate Ashton.

At this period it was, however, judiciously determined to bring matters to a crisis with respect to the non-juring bishops and clergy, who were now deprived of their fees and preferments, to the general satisfaction of the nation. Even those of the prelates, who had acquired such unbounded popularity by their opposition to royal despotism in the late reign, experienced little sympathy in their present sufferings in consequence of what was now called their obstinate factious defiance of the national will. The vacancies were supplied with men of such known candor and moderation, that it was plain the present very ministers were either too wise to attempt, or had too little influence to effect, the revival of the high church maxims usually associated with the political principles of their party. Amongst these promotions we find the eminent and venerable names of Tillotson, Sharp, More, Cumberland, and Patrick. Nothing more provoked the resentment and chagrin of the non-juring party at this period, than the defection of the famous Sherlock, master of the Temple, after a long and pertinacious refusal to submit to the oaths, and his public justification of his conduct in so doing. This was a great triumph to the court; and he was immediately rewarded, for what one party styled his happy conversion, and the other his faithless apostacy, by the acquisition of the rich deanery of St. Paul's.

Early in the month of May (1691), the king, in pursuance of his resolution to command in person the grand confederate army, embarked for Holland, and after a speedy and prosperous voyage arrived safely at the Hague. The affairs of the Continent were at this period in a truly-critical state. Leopold, emperor of Germany, nominal chief of
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the league of Augsburg, was not one of those princes whose characters are calculated to adorn the page of history. Weak, haughty, superstitious, and exercising a cruel despotism over his own subjects, he was ill-qualified or entitled to stand forward as the champion of the liberties of Europe. Vain and insolent in prosperity, mean and pusillanimous in adversity, he possessed neither the esteem nor affection of his co-citizens of the empire : from his want of capacity only, he was not the object of their fears.* It was the power of France which excited the universal dread : and the empire had never, since the era of the rivalry of the two great houses of Bourbon and Austria, been so entirely united in interest, design, and desire. But averting their eyes with disdain from their immediate chief, as altogether incompetent to the accomplishment of so great an object, the Germanic princes fixed their attention exclusively on the king of England, even previous to his elevation to the royal dignity, and while merely prince of Orange and stadtholder of Holland, as the real and efficient head of the grand confederacy formed for the purpose of humbling the pride, and of opposing an insuperable barrier to the encroachments of France. They saw in *him* all the qualities of a patriot and a hero ; and the influence of prejudice and calumny operating feebly beyond a certain sphere, his character appeared in an higher and truer light to the surrounding nations than to the majority of persons in England ;
itself,

* When the capital of his empire was besieged by the Turks, the emperor retired for safety to Linz, without making any effort for averting the impending ruin. After the ever-memorable defeat of the Ottoman army under the walls of Vienna, by the great Sobieski, this imperial ingrate sought to decline an interview with his deliverer—and, finding it unavoidable, he conducted himself with the most disgusting coldness and affectation of superiority. The king of Poland, perceiving and despising his meanness, only said in return to his reluctant acknowledgments : “ I am glad, brother, that I have been able to do your majesty this little service.” By a popular and solicitous allusion the cardinal-archbishop of Vienna preached on this great occasion a thanksgiving sermon, in the cathedral of St. Stephen, on the text of scripture “ There was a man sent from God, whose name was John.”

itself, where, in his situation, every word and action of his life was liable to the most injurious and malignant misrepresentations.

It has already been related, that the continental war began on the part of France with a furious irruption into the empire, and the most horrid devastation of the provinces bordering upon the Rhine. The confederacy against France was such as had never been equalled in Europe. All the contiguous countries, Switzerland excepted, were engaged in it as principals; yet it was remarked, and it could not fail to excite admiration, that, though thus every way surrounded with enemies, she neither displayed any signs of despondency, nor made any unbecoming submissions. But on the contrary, she prepared to exert her strength, spirit, and genius, in proportion to the difficulties and dangers that threatened her; and, single as she was, entered the lists against them all. But the honor she acquired by her magnanimity she sullied by her cruelties; and the smoking ruins of the cities of Spire, Worms, Mannheim, Oppenheim, and Heidelberg, were the trophies of her detestable triumphs.

At the commencement of the campaign of 1689, the French were almost entire masters of the three Ecclesiastical Electorates. But the *maréchal de Duras*, who commanded their armies on the Rhine, found it extremely difficult to maintain his conquests. In the month of May an offensive and defensive confederacy, which afterwards obtained the name of the Grand Alliance from the number and rank of the princes and potentates who acceded to it, was signed between the emperor and the states-general at Vienna, to which the king of England was eagerly invited, and in a short time assented to become a party; though the treaty was not signed in form by the ambassadors of England till the 9th of December (1689). By the articles of this confederacy, it was agreed that neither of the high contracting powers shall enter into a separate negotiation,
and

and that no peace shall be concluded till the treaties of Westphalia and the Pyrenees shall be fully vindicated and restored. To this treaty were appended two secret articles; by the first of which England and Holland engaged to assist the emperor, in case of the death of the king of Spain without issue, to take possession of the Spanish monarchy with all its dependencies; and, by the second, to use their endeavors that the emperor's eldest son, the archduke Joseph, should be speedily elected king of the Romans.

The Imperial court, in conjunction with the states-general and the princes of the empire, brought three great armies into the field. At the head of the first, the duke of Lorraine, a general of high reputation, invested the city of Mentz. The grand battery against this place was opened with a general and tremendous discharge of cannon, bombs, &c. accompanied by a grand chorus of hautboys, trumpets, and kettle-drums. The garrison made frequent fierce and desperate sallies; and the Germans, who considered themselves as the avengers of their bleeding country, repelled the several attacks with heroic courage. "Every day the sun rose and set in blood, and every hour produced some new spectacle of horror." After a gallant defence of two months, this formidable fortress surrendered on honorable terms of capitulation.

The elector of Brandenburg, receiving from the baron de Berensan the keys of Rheinberg, sat down before Keiserswart, which held out but a short time. He then attempted Bonne, a much more important place. Here his success was doubtful, till the duke of Lorraine led part of his army, after the conquest of Mentz, to his assistance. Bonne then demanded to capitulate, after 55 days' blockade and 26 days' close siege.

In Flanders the prince of Waldeck was opposed by the
G maréchal

* Ralph.

marechal-d'Humieres at the head of a superior army. Nothing memorable passed on this side, except that on the 15th of August (1689), an attempt was made by the French general to surprise the allies, then encamped near Walcourt, while a part of the army was engaged on a grand foraging excursion. The enemy were, however, repulsed by extraordinary efforts of activity and valor, with the loss of 2000 men. The English troops under the earl of Marlborough particularly distinguished themselves on this occasion; and the prince of Waldeck declared, that the English general had acquired in one day what others could gain only in years.

On the side of Catalonia, the duc de Noailles took the town and citadel of Campredon, which was subsequently razed. But the chief advantage gained by the court of Versailles, in the course of this year, was in the demise of pope Innocent XI. of the family of Odeschalchi, who died August the 2d, 1689, in the 14th year of his pontificate. He was of a character highly respectable; exemplary in his morals; a zealous yet judicious patron of reform; devout, yet free from superstition; disinterested, though economical; mild, yet determined. His ruling passion for several years was hatred to Louis XIV. by whom he had been treated with a rudeness and haughtiness as destitute of provocation as it was contrary to policy. He was succeeded by cardinal Ottoboni, a Venetian; already fourscore years of age, who sat 18 months in the papal chair under the name of Alexander VIII. Wearied with his vexatious and disgraceful dispute with the court of Rome, and superstitiously apprehensive of the efficacy of the papal censures, Louis notified to the new pope, in a letter written with his own hand, the restitution of the city of Avignon, and his relinquishment of the pretensions he had hitherto maintained to the *franchises*. But the pope, though he complimented the king of France, in return for this concession, with the promotion of Fourbin and some other persons whom

whom he recommended as cardinals, yet refused to yield the point of the *regale*;* nor would he grant the bulls, for the vacant French bishoprics, to those who had signed the formulary of 1682 declaring the pope fallible and subject to a general council. And at the approach of death, he passed a bull expressly confirming all those of his predecessor. Alexander VIII. was succeeded by cardinal Pignatelli, who took the name of Innocent XII. in respect to the memory of Odescalchi, to whom he owed his promotions, whose principles and policy it was his ambition to adopt, and of whose maxims and conduct he had been a long and attentive observer.

In the summer of 1690, the duke of Savoy, after a long hesitation, openly declared himself in favor of the allies, and became a party to the grand alliance. His dominions
were

* The *regale* is a right claimed by the king of France to enjoy the revenues of the vacant sees till the oath of fidelity is taken and registered in the parliament of Paris. It includes, also, the power of nominating to the benefices and dignities in the gift of the bishop or archbishop, during the vacancy. The *franchises* were privileges of asylum, annexed not only to the houses of ambassadors at Rome, but even to the whole district where any ambassador chanced to live. This privilege was become a most terrible nuisance, inasmuch as it afforded protection to the most atrocious criminals, who filled the city with rapine and murder. Innocent XI. resolving to remove this evil, published a bull, abolishing the *franchises*; and almost all the catholic powers of Europe acquiesced in what he had done, on being duly informed of the grievance. But Louis XIV. from a spirit of insupportable pride and insolence, refused to part with any thing that looked like a prerogative of his crown. He said; the king of France was not the imitator, but a pattern and example for other princes. He rejected with disdain the mild representations of the pope. He sent the marquis de Lavardin as his ambassador to Rome, with a formidable train, to affront Innocent even in his own city. That nobleman executed his commission with every circumstance of insult. He entered Rome in an hostile manner, with several troops of horse, which kept guard in the *Franchises*, and set the papal authority at defiance. The pope in revenge excommunicated Lavardin; and concurred with the allies in all their projects for the reduction of the power of France, refusing to confirm the election of a coadjutor to Cologne, and defeating the views of France in favor of cardinal Furkenberg upon Liege; by which means a great facility was given to the prince of Orange's expedition to England.

were immediately invaded by a French army under M. de Catinat, a commander of consummate skill, who, August the 3d, defeated the troops of Savoy with great loss, at Saluzzo, and captured the important fortress of Suza. The duke, who was a man of ability and address, finding himself deserted by Spain and the emperor, notwithstanding their lavish promises of support, now applied himself, in a most respectful, or, more properly speaking, adulatory manner, to the king of England, through the medium of his chief minister and ambassador extraordinary the count de la Tour. "His royal highness, my master," said the count, at his first public audience of the king, "does, by me, congratulate your sacred majesty's glorious accession to the crown. It was due to your birth, was deserved by your virtue, and is maintained by your valor. Providence had designed it for your sacred head, for the accomplishment of its eternal decrees, which, after long patience, do always tend to raise up chosen souls to repress violence and protect justice. The wonderful beginnings of your reign are most certain presages of the blessings which Heaven prepares for the uprightness of your intentions, which have no other scope than to restore this flourishing kingdom to its first greatness, and break the chains which Europe groans under. These are the sincere sentiments of his royal highness; to which I dare not add any thing of mine: for, how ardent soever my zeal may be, and however profound the veneration which I bear to your glorious achievements, I think I cannot better express either, than by a silence full of admiration." Gratified, probably, by these high and flattering compliments, and certainly incited by the most forcible and obvious motives of policy, the king received the ambassador of Savoy very graciously, and gave him the strongest assurances of effectual support and protection.

During this campaign, the prince of Waldeck was opposed in Flanders by the marechal duc de Luxemburg: and

and in June, 1690, a general engagement took place at Fleurus, in which Luxemburg, by a display of great military talents, obtained the advantage; the confederate army being compelled to retreat with the loss of 7 or 8000 men. The cavalry of the allies in this engagement behaved ill, and, having been once discomfited, could never be brought to rally: but the infantry did wonders, and, deserted as they were, resisted all attacks, and at length quitted the field in such admirable order, that the duke of Luxemburg in rapture exclaimed, "that they surpassed the Spanish foot at the battle of Rocroy. The prince of Waldeck," said he, "ought ever to remember the French horse; and I shall never forget the Dutch infantry."

Early in the present year (1690), the archduke Joseph had been unanimously elected king of the Romans, in conformity to the eager wishes of the emperor. The duke of Lorraine being now no more, the command of the Imperial army on the Rhine was conferred on the elector of Bavaria; and the French were conducted by the Dauphin: but the campaign on this side was merely and mutually defensive, and its operations too unimportant to relate. An inroad was a second time made by M. de Noailles into Catalonia; but at the approach of the winter he abandoned his conquests and retired to Roussillon.

Before the king of England had taken the field, in the spring of 1691, and even while the congress was still sitting at the Hague, the French suddenly invested the city of Mons, which the prince of Waldeck attempted in vain to relieve. And the marechal de Luxemburg was on his march to surprise Brussels, when the king of England put himself at the head of the allied army, by this time confessedly superior to that of the enemy, and effectually covered Brussels from attack; after which he sent a detachment to the relief of Liege, threatened by marechal Boufflers. The king, now passing the Sambre, tried all possible means to bring the enemy to a battle, exhausting his

his invention in marches, counter-marches, and stratagems; but, being in every attempt disappointed by the skill and caution of Luxemburg, he relinquished the command to the prince of Waldeck, and retired in September to Loo. The campaign on the Rhine, where the elector of Saxony this year commanded, was equally inactive. In Catalonia, the duc de Noailles again renewed his unavailing incursions. But on the side of Italy, M. de Catinat made himself master of Montalban, Villa Franca, Nice, and Carmagnola, a place not more than nine miles distant from Turin. He then invested the strong fortrefs of Coni, situated on the summit of a steep and craggy mountain, and defended by a numerous garrison. At this critical period the king of England sent to the assistance of the duke of Savoy a body of auxiliary troops commanded by a very able officer, the duke of Schomberg, son of the late famous marshal Schomberg, preceded by a welcome and seasonable supply of money. A resolution being taken, in pursuance of the advice given by the new general, to attempt the relief of Coni; a large body of troops under the command of prince Eugene of Savoy, then rising into military eminence, was detached upon this hazardous expedition; which he executed with such address, that M. Bulonde, who directed the operations of the siege, after losing a great number of men before the walls, raised it in extreme haste and confusion, leaving behind him large quantities of stores, and several pieces of artillery. Prince Eugene then attacked and captured Carmagnola, and obliged M. Catinat to retire with his whole army beyond the Po. At this intelligence the court of Versailles was struck with great astonishment. Louvois appeared inconsolable; and shedding or pretending to shed tears when he related these disasters to the king, Louis told him with calmness. "That he was spoiled by good fortune." At the end of the campaign, nevertheless, M. de Catinat again retrieved his reputation, and in some degree his superiority, by taking the town and castle of Montmelian.

Although

Although the emperor had been repeatedly and seriously exhorted by the diet to conclude peace with the Turks, in order to carry on the war with greater effect against France; and the grand seignor had himself requested the mediation of England for that purpose; yet the tide of success which had attended the Imperial arms in Hungary since the defeat of the Turks at Vienna incited him to prosecute the war, with the hope of adding each year something farther to his conquests. He was well pleased that the war in Flanders and on the Rhine should be carried on at the expence of England, Holland and the empire, while he was making such considerable acquisitions of power and territory in the provinces bordering on the Danube. Hatred of heresy and hatred of France being his ruling passions, he deemed himself in some sense a gainer whichever side should lose. Prince-Louis of Baden had succeeded to the duke of Lorraine in the command of the Imperial armies in Hungary, and acquired suddenly a most splendid reputation by defeating the Turks during the course of the campaign of 1689, in three successive engagements, and taking the towns of Nissa, Widin, &c. His career of victory was, however, for a time impeded by the efforts of the grand vizier Kuiperli, lineally descended from the two former celebrated viziers of the same name; who alone had given to the Ottoman empire, since its foundation, the example of a family powerful and illustrious for successive generations. This able statesman and general, during the short term of his command, recovered Belgrade; and infused a new spirit into the Turkish armies. After giving a striking proof what great things may be effected in a very short time by a man of extraordinary virtues and talents, he lost his life, A. D. 1691, gloriously fighting in an engagement with the Germans commanded by the prince of Baden, at Salankaman on the Danube. His death was followed, as might be expected, by a total defeat of the Turkish army; and the emperor was now anew prompted to persevere in the prosecution

secution of a war, in the course of which he had risen from a state of the lowest political depression to so exalted an height of fortune. The apprehensions of his Imperial majesty respecting the defection of his great ally the king of Poland, who was married to a French princess, and whose sentiments in relation to the object of the Augsburg confederacy had been regarded as somewhat doubtful, were now also happily removed. "Having," says the emperor, in a letter written by him to the king of Poland, dated March 18, 1689, "for what concerns a speedy and honorable peace with the Turks, already declared in our former letters our sentiments to your *Serenity*"—for the Austrian pride had ever refused to the elective kings of Poland the title of *Majesty*—"and being glad to hear that your *Serenity* is sending to us an envoy plenipotentiary; we have now thought fit, at the instance of the states of the empire, and out of the fraternal confidence we have in your *Serenity*, to write this; not that we think your *Serenity* wants to be exhorted to prefer the friendship which for so many ages has continued without interruption between us, the Roman empire, and the crown of Poland, before the machinations of France; or that your *Serenity*, after having fought so gloriously against the common enemy of Christendom, can now be induced to favour their abettors, adherents and confederates, the French; or to assist directly or indirectly their designs—but amicably and brotherly to desire you, on our part, and in the name of the empire, to take such measures and resolutions with the whole republic of Poland, that, proceeding with united councils and forces, the horrid perfidiousness of France may be punished, and a firm and lasting peace at length established in Christendom."—And concluding in a style of unprecedented condescension, he says, "We doubt not your MAJESTY will return us an answer agreeable to our mutual friendship." A favorable answer being received from the king of Poland to this epistle; and the Poles and Venetians continuing faithful to the league against

against the infidels; the emperor still indulged sanguine hopes of new victories and conquests, and suffered himself to be amused and flattered by the circle of courtiers and parasites with the splendid dream of advancing to Constantinople, and of subverting the Turkish empire in Europe.

Towards the close of the autumn, 1691, king William returned to England, the parliament being summoned to meet on the 22d of October. The speech from the throne recommended in strong terms the vigorous prosecution of the war. Loyal addresses and great supplies were voted as usual; but the nation at large was much disappointed and chagrined at the ill success of the last campaign: and the more enlightened part of the public began extremely to doubt the policy of continuing the continental war at so enormous an expence and with so little effect. It was said, that the confederacy of continental princes, if they resolutely exerted their powers, was fully equal to check the ambitious projects of France; that England had but a remote and secondary interest in these contentions; that the emperor, depending on the strength and resources of Great Britain, pursued his victories in Hungary, apparently forgetful that he was himself the head of the league of Augsbourg, and the chief of the grand alliance. "It would have cost less," says lord Delamere in his famous pamphlet styled *Impartial Enquiry*, &c. "than the money given, to have sent out yearly a royal fleet of an hundred sail for our defence and glory." This alone had secured Europe from French tyranny, had given safety and peace to England, and made all nations court our friendship. Surely these things could not have been forgotten, having been so lately proved by those who pursued this course, who were without right and title to the government, and yet were submitted to by all the world. But, on the contrary, these advisers must needs understand, that when they counselled the king to war against France at land, it must be upon very unequal terms both of expence and hazard.—Can we hope this summer, or the next,

next, to gain those frontier cities and garrisons which it hath cost the French monarch near thirty years to complete and many millions to fortify ?”

The zealous whigs were not indeed at this time disposed to view the measures of the king with any peculiar predilection. The tories were still the favored and governing party; and at this very period the earl of Rochester, lord Ranelagh, and sir Edward Seymour, three of the leading men in that interest, were sworn of the privy council. The earl of Pembroke, who wavered between the two parties, was advanced to the office of lord privy seal; and lord Sydney, a man of art and address, who retained a personal interest with the king, though a whig, was appointed lord lieutenant of Ireland. The behaviour of the king himself was not calculated to acquire popularity. He was of a disposition naturally silent, reserved and thoughtful. He never appeared perfectly naturalized amongst the English; and was scarcely ever known to unbend himself but in company with his Dutch counsellors and favorites, Bentinck, Zuylestein, Auverquerque, &c. He avoided coming to the metropolis except on council days, and spent his leisure hours either in stag-hunting, of which diversion he was passionately fond, or at his favorite residence at Hampton-court, where he expended much money in magnificent and, as many affected to style them, superfluous embellishments. He was persuaded indeed to make a visit to the university of Cambridge, to partake, like king Charles II. of the sports of the turf at Newmarket, and to accept of the freedom of the city of London; but these condescensions not being natural to him, the coldness of his manner predominated over, and perhaps even cancelled, the sense of the obligation.

An attempt, which extremely attracted the attention of the public, was made during this session, by a very powerful combination of commercial adventurers, wholly to supersede and annihilate the existing East India Company, who had, as their enemies alleged, greatly abused their powers and

and privileges, and to establish a new company upon their ruins. This design was however opposed with vigor and spirit. The company was first incorporated in the 43d of Elizabeth, with an exclusive right of commerce, upon a joint stock, for the term of 15 years. In the 7th of James I. they obtained a charter erecting them into a perpetual body politic. In the year 1661 they received from king Charles II. a charter of confirmation, with a donation shortly afterwards from the royal bounty of the islands of Bombay and St. Helena. Lastly, another charter of confirmation was granted them in the second year of the late king James II. ; all however under a proviso, that upon a three years notice it should be in the power of the crown to make those charters void. Such was the flourishing state of the company's affairs in 1686 and several following years, that the price of India stock rose to 360 per cent. and the dividends were proportionable. But for about seven years past, by reason, it was affirmed, of the pernicious projects and under the mischievous management chiefly of sir Josiah Child, the stock was greatly sunk in value, and the company involved in extreme embarrassments. It was said, " that the Directors had engaged in unjust and unnecessary wars, both with the emperor of Hindostan and the king of Siam, to the great injury both of their finances and reputation ; that there had been gross abuse respecting contracts and in the article of freight, and the proprietors injured thereby to a vast amount ; that great sums had been corruptly advanced, to secure the favor of persons supposed to have interest at court ; that they had disgraced themselves and defrauded the public, by fixing a paper on the treasury door, declaring that they could pay no more for a certain time ; proving, by this means, that those in the Direction had been so busy in dividing that the obligation of paying was forgotten. Lastly, it was alleged against them, that they had exceeded their powers, and had acted not only illegally but criminally, in putting persons to death at St. Helena by martial law, in contempt of the known constitution of the kingdom."

kingdom." The company replied, "that they had neither exceeded their powers nor abused their trust.— Among their powers was that of holding courts martial, and of military punishments. Even in the affair of St. Helena, which had drawn down upon them such heavy censure, they were justified by an express commission from the late king James; that the temper of the court was such at the time that commission was granted, that if they had presumed to question its validity, or even to insinuate the expediency of its being ratified in parliament, they had exchanged protection for indignation, and been infallibly exposed to all the rigors of a *quo warranto*. As to the war with the Mogul, it was so far from being perfidious, unprovoked and piratical, as represented by their adversaries, that it was just, necessary and unavoidable.* Under such a variety of pressures, oppressed and embarrassed by the Indian governors, opposed by the French, the Dutch, and the Danes, they admitted that their returns had diminished, and the management of their affairs was become more difficult; that nevertheless

* The partisans of the existing company having pretended that the war with the Mogul had terminated in a very advantageous peace; their opponents were malicious enough to publish a translation of the *Pbirmaund* issued upon that occasion by Aurengzebe, emperor of Hindostan, which is as follows: "ALL the ENGLISH having made an humble submissive petition, that the ill crimes they have done may be pardoned; and requested a noble *Pbirmaund* to make their being forgiven manifest, and sent their *Vakeels* to the heavenly palace, the most illustrious in the world, to obtain the royal favor; and Ettimaund Channe the governor of Surat's representation to the famous court equal to the skies being arrived, that they would present the great king with a fine of 150,000 rupees to his noble treasury resembling the sun, and would restore the merchants' goods they took away to the owners of them, and would walk by the antient customs of the port, and behave themselves for the future no more in such a shameful manner: WHEREFORE his majesty, according to his daily favor to all people of the world, hath pardoned their faults, mercifully forgiven them; and out of his princely condescension agrees that the present be put into the treasury of the port, the merchants' goods be returned, the town flourish, and they follow their trade as in former times, and Mr. Child, who did the disgrace, be turned out and expelled. *This order is irrevocable.*"

nevertheless the company was so far from being in a bankrupt condition, that they were abundantly able to satisfy all demands, and to carry on their trade with as large a stock, and, as they had now reason to believe, to as much advantage as ever ; that in truth it was not on account of their supposed poverty, but their supposed wealth, that all this clamor had been let loose against them ; that, as to their postponing their payments, it was no more than had been done, not only by the chamber of London, but even the exchequer itself ; that, upon the whole, they had done nothing to forfeit the protection of the government, the good opinion of the people, or the powers and privileges granted to them by their charters ; and whatever national improvements the trade was capable of, might be as well obtained on the present model as under any other."

After long and vehement debates, the house of commons passed a series of resolutions upon the ground of which "*it might be proper* to prolong and continue the charter of the present company." The company thought good to accede to these conditions, amongst which were several very hard of digestion ; particularly the resolutions enjoining that no one person should have or possess any share of East India stock exceeding 5000*l*. ; and that all persons now having above the sum of 5000*l*. in the stock of the present company, in their own or other persons' names, be obliged to sell so much thereof as should exceed the said sum of 5000*l*. at the rate of 100*l*. in money for every 100*l*. stock. A committee was at length appointed to prepare and bring in a bill to establish an East India company according to the regulations and resolutions agreed to by the house. In the month of January, 1692, a bill was brought in accordingly : but the efforts of their enemies were now redoubled ; new petitions were presented against them ; the temper of the house suddenly changed, and they came to an ultimate resolution, " that an humble address be presented to his majesty, to *dissolve* the East India company, according to the powers

powers reserved in their charter, and to constitute another East India company, for the better preserving of the East India trade to this kingdom, in such manner as his majesty in his royal wisdom should think fit." This address was presented by the whole house; and though it could not be unacceptable to the court, as throwing the *game* entirely into their hands, the king replied with apparent indifference, "that this was a matter of very great importance to the trade of the kingdom; that he would consider of it; and that in a short time he would give the commons a positive answer." The farther management of this intricate business was now transferred to the privy council; but when the earl of Nottingham, as secretary of state, in the May following sent the company a copy of the conditions agreed upon by the lords of the council, in order to a renewal of their charter, they objected to almost every article, and generally with very good reason, as imposing absurd and impolitic restraints on the freedom of commerce: and in a separate memorial, they endeavored to show that the present constitution of the company needed no material alteration, and admitted no essential improvement; and in this state of suspense the contest remained till the commencement of the succeeding session. On the 29th of February, 1692, the king, in a gracious speech, had acquainted the two houses with his intention of going beyond sea very speedily, and prorogued the parliament.

Somewhat previous to this period, the earl of Marlborough, who had ever appeared to be in high favor with the king, was suddenly disgraced; the earl of Nottingham demanding of him, by the king's order, the resignation of all his offices, civil and military. And in May following he was committed to the Tower on a charge of high treason; and, as it is expressed in the warrant of council, "of abetting and adhering to their majesties' enemies." Though the
specific

specific accusation on which the warrant was issued proved subsequently false and scandalous; there unhappily exists incontrovertible evidence that the earl of Marlborough, in common with many other persons of high rank and consequence, held a clandestine and unlawful correspondence with the court of St. Germaine's; and the disgrace of that nobleman was beyond all reasonable doubt owing to the authentic information received by the king of his treasonable practices. The dark and crooked policy of those who engaged in this extraordinary scene of dissimulation, makes it extremely questionable whether any measures were really taken by them with a view to facilitate the restoration of the late king. The earl of Marlborough, who was perhaps the greatest adept in this Machiavelian school, wrote, as appears, letters of deep contrition to the court of St. Germaine's, imploring pardon and forgiveness for his past conduct, which James thought it expedient to grant, though he justly entertained the greatest doubts respecting his present sincerity; and which his recent services at Cork and Kinsale were ill calculated to remove. A message was moreover sent by Marlborough to James, engaging to excite a revolt in the army; of which being after a considerable interval reminded, he declared that he had been misunderstood by the person, captain Lloyd, who conveyed it. On which James remarked, "that he suspected Churchill wished to regain his confidence only to be able a second time to betray him." Not only were such flagitious or problematic characters as Sunderland, Halifax, Monmouth, Marlborough, &c. deeply involved in these machinations and cabals, but men of the greatest private, and, in other respects, public virtue—Godolphin, Shrewsbury and Russell. Even the marquis of Carmarthen, one of the heads of the present administration, became a plotter or pretended plotter against the government: but the character of the earl of Nottingham, to his lasting honor, stands untainted and

and unimpeached.* The most easy and obvious mode of accounting for the prevalence of a conduct so treacherous, is the extreme apprehension which appears to have been almost universally entertained of the eventual restoration of the late king. For the extraordinary political revolutions which had taken place in the course of the last half century—the dethronement and death of king Charles I.—the establishment of a Commonwealth, with its sudden subversion—the consequent restoration of king Charles II.—the deposition and expulsion of James, and the surprising advancement of the prince of Orange to the crown, made the re-establishment of the late king appear incomparably more

* Vide the Dalrymple and M'Pherson collections of state papers, *passim*.—About the end of the year 1690, it appears that colonel Bulkley and colonel Sackville arrived from St. Germaine's in England, and applied with success to the lords Godolphin, Halifax, and Marlborough; and a *promise* of pardon being not only obtained, but formally granted, Shrewsbury and Carmarthen professed their conversion. The admirals Russel and Carter followed their example; and in a short time also the princess of Denmark joined the same party. Some months afterwards, the earl of Middleton was sent over to England. A considerable time was spent in adjusting terms, because the whigs, and particularly Russel, contended for concession after concession for the security of the constitution. At length all things were settled, and the court of St. Germaine's obtained assurances that the army would be directed by Marlborough, the fleet by Russel, and the church by the princess Anne. Marlborough was, at his own request, and as a refinement of dissimulation, excepted from the declaration of pardon. During the preparations for an invasion, the correspondence between Russel and James continued; in the course of which Russel entreated James to prevent the two fleets from meeting, warning him, that, as an officer and an Englishman, it behoved him to fire upon the first French ship that he met, although he saw James upon the quarter-deck; and he complained that proper provision was not yet made for the security of the subject—so that James was provoked to say, “Russel's views were not so much directed to serve him, as from republican principles to degrade monarchy in his person. If he missed the French fleet, he would claim credit with him; if he met it, he would, as was manifest, use his utmost efforts in favor of his rival.” In the books of the privy council, May 3, 1692, there is a warrant for seizing Bulkley, Lloyd and Middleton; and on the 23d of June following the names of Shrewsbury, Halifax and Marlborough are struck out of the council book.

more feasible to the contemporary actors than it is now easy to credit or conceive—supported as, it must ever be remembered, James at this period was by the mighty and, in the current opinion of numbers, irresistible power of France.

A great coolness had for some time subsisted between the king and queen, and the prince and princess of Denmark, on account of an application made by the princess to parliament for an independent revenue without the privity of the king, and the actual grant of the sum of 50,000*l.* per annum, by the house of commons, out of the civil list for that purpose. This misunderstanding was now much heightened by the refusal of the princess, at the request or rather command of the queen, to dismiss the countess of Marlborough from her household, where she had long occupied the station of first lady of the bedchamber, and had possessed the highest place in the affection and favor of her royal mistress. From this time the prince and princess of Denmark no longer appeared in the court of St. James's, and the rupture in the royal family became unavoidably public and visible to all.

BOOK II.

King embarks for Holland. - Namur captured by the French. Battle of Steinkirk. Grandvaux's plot. Campaign on the Rhine, &c. Hanover erected into a ninth electorate. Machinations of the Jacobites. Victory off La Hogue. Session of Parliament. Earl of Marlborough released from the Tower. Dismissal of admiral Russel. Affairs of the East India company. Royal assent refused to the Triennial Bill. Enquiry into the state of Ireland. Sir John Somers made lord-keeper of the great seal. Battle of Landen. Charleroy taken by M. Luxemburg. Campaign on the Rhine. Sack of Heidelberg. Battle of Marfiglia. Smyrna fleet captured. Affairs of Scotland. Massacre of Glencoe. Remarkable declaration of king James. Intrigues of the court of St. Germaine's. Earl of Nottingham dismissed. Earl of Sunderland in favour with the king. Death of the marquis of Halifax. Whigs regain their ascendancy. Pacific advances of France rejected. Royal assent refused to the Place Bill. Bank of England established. Affairs of the East India company. State of Ireland. The lords justices Coningsby and Porter impeached. Mr. Montague constituted chancellor of the Exchequer. Campaign in Flanders, &c. Admiral Wheeler shipwrecked. Disastrous attempt on Brest. Session of Parliament. Triennial act passed. Death of archbishop Tillotson—and of Sancroft. Illness and death of the queen. Princess of Denmark reconciled to the king. Speaker of the house of commons expelled the house. Duke of Leeds impeached for malversations in office. Sir William Trumbull made secretary of state. Affairs of Scotland. African company established. State of Ireland. Wise government of lord Capel.

ON the 5th of March, 1692, the king embarked for Holland, and arrived in a few days afterwards at Loo; whence he quickly repaired to the army, now assembled near Louvain. Through the influence and at the express recommendation of the king of England, the elector of Bavaria had been recently appointed governor of the Spanish Netherlands, through whose care and activity those provinces exhibited a much better posture of defence than formerly; and great hopes were anew entertained of a successful campaign, especially as M. de Louvois, who was supposed the soul of the French councils, was now dead. But the mantle of Louvois *seemed* to have descended to his son and successor, the marquis de Barbesieux, whose capacity was, however, proved by subsequent experience to be of a very inferior class. The king of France took the field in person, attended by a vast retinue in Asiatic pomp, and on the 20th of May, 1692, joined the army under the command of marechal Luxemburg, which he found in excellent order, furnished with all things necessary for the attempting some great exploit. The French army being put in motion on the 23d, the confederates were in pain for Charleroy: but the storm burst on the other side. On a sudden, the French monarch, assisted by the marechals Boufflers and Vauban, sat down before Namur, while the duke of Luxemburg covered the siege.

NAMUR, situated at the conflux of the Sambre and Meuse, is accounted one of the strongest fortresses in the Low Countries, and it was defended by a numerous garrison commanded by the prince de Barbazon. Of this officer the king had conceived an ill opinion; but the elector of Bavaria, loth to disgrace a person of his high rank upon a mere suspicion, contented himself with ordering the count de Thian to accompany him in the siege, with instructions to watch his conduct. But the event shewed how essential to the success of great designs are the qualities of vigor and decision. The French army opened their trenches in the

night of the 29th of May ; and on the 5th of June, when the attack had scarcely commenced, the town capitulated, on condition that the garrison should be allowed 40 hours to retire into the citadel. King William was on his march towards the Mehaigne, in order to relieve the place, when he received notice of this surprising event, and that the French had invested the citadel. Having received large reinforcements, and his army now amounting to upwards of 100,000 men, he resolved to venture a battle, in the hope of saving this grand bulwark of the Low Countries. Unfortunately, very heavy rains falling swelled to a great height the waters of the Mehaigne, which flowed between the king's army and that of marechal Luxemburg, and swept away the bridges. When the floods had abated, the French general had fortified the passes to his camp in such a manner as to render an attack impracticable. The citadel of Namur was covered with a new work called Fort William, constructed by the famous Coehorn, and defended by that great engineer in person. This fort being now attacked by M. Vauban, a name no less celebrated in military tactics, an extraordinary contention of scientific and professional skill was now exhibited. But by a fatal mischance M. Coehorn himself being dangerously wounded in one of the assaults, all spirit and confidence was extinguished, and the *chamade* forthwith beat, on the presumption that the fort was no longer defensible. The citadel, after a faint and feeble resistance for a place of such strength and importance, surrendered on the 30th of June ; and the king of France immediately left the camp in order to celebrate his triumph at Versailles, having prepared his way by an ostentatious letter addressed to the archbishop of Paris, commanding a solemn *Te Deum* to be sung on this great occasion in the cathedral church of Notre Dame.

Disappointed in his attempt to raise the siege of Namur, king William formed a design of surprising the city of Mons ; but was prevented by the vigilance of Luxemburg. After
various

various marches and counter-marches, the French army took a very advantageous position between Enghien and Steinkirk, covered by a wood and thick hedges, traversed with narrow and intricate defiles. Here the king of England, passing the Senne in view of the enemy, determined upon a general attack, having received very erroneous information respecting the nature of the ground, which was found in the event extremely impracticable. On Sunday, July 24th, 1692, the prince of Wirtemberg, sustained by general Mackay at the head of the British infantry, advanced to the assault of the enemy's right, through a deep defile, terminating in a small plain in view of the French camp. The word being given, the onset was made with such vigor, that the French, surprised and thrown into consternation, abandoned their lines in the utmost disorder and confusion; and if the first column of attack had been properly supported, according to all appearances the battle had been won. But count Solmes, who commanded the centre, though repeatedly applied to by messages to march forward in order to sustain the van, still delayed; and when a positive command from the king himself at length arrived, he detached a body of cavalry, which he knew from the nature of the ground could not act, and ordered the foot to halt, saying to those about him, "Let us see what sport these English bull-dogs will make us!" The king, astonished and enraged at this disobedience, brought up in person the reserve of infantry to the relief of the van. But it was now too late. M. de Luxemburg had time to rally his broken battalion, which task he performed with great and consummate skill; the princes of the blood and nobles leading them, under his direction, back to the conflict, and charging sword in hand. Four hours this dreadful scene of carnage lasted, and never was encounter more obstinate and bloody. The allies at length, overpowered by numbers, and exhausted by fatigue, were compelled to give way, despairing of effectual support. The king, who had impatiently expected

pected the approach of count Solmes, was heard repeatedly to exclaim, "O my poor English! how they are abandoned!" He now displayed all the ability and presence of mind of a great general, in reforming the troops and restoring order and confidence. But the night drawing on precluded a renewal of the attempt, and a general retreat was thought necessary, which was performed, under the immediate direction of the king, with great judgment and military skill. The conduct of count Solmes on this disastrous day could never be adequately accounted for. It was only known, that he hated the English, and was extremely jealous of the prince of Wirtemberg, having himself aspired to the command of the column of attack. Being an officer in great estimation with the Dutch, he was never punished for his misconduct as he deserved; but the king would not admit him into his presence for many months after. The reputation lost by Luxemburg in suffering himself to be surprised upon this occasion, he more than retrieved by his subsequent exertions.* The loss of the French, nevertheless, in this engagement, was at least as great as that sustained by the allies, who had to regret the loss of two excellent officers in the generals Mackay and Lanier, and about 6 or 7000 men killed, wounded, and prisoners. After this action nothing of consequence was attempted on either side during the remainder of the campaign.

A horrid

* Millevoix, a detected spy, was compelled by menaces to mislead Luxemburg with false intelligence, importing that he need not be alarmed at the motions of the allies, who intended next day to make a general forage.—M. de Feuquieres acknowledges, "that the design of the king of England in this attack was truly great, but that he ought not to have disposed his forces in order of battle when they had passed through the defiles; but, as he marched them in different columns through those defiles, he should have attacked the front of the French camp in the same order, and on the same direction, to take the whole benefit of the enemy's first surprise, to penetrate their lines, to hinder their forming at all, and to improve the confusion so created into a perfect rout.

A horrid conspiracy against the life of king William was discovered in the month of August, 1692. It appears that this plot was formed in the course of the last year; that M. de Grandval, a captain of dragoons in the French service, M. Dumont and colonel Parker had proposed this assassination to M. Louvois, who listened to it with approbation. But the design proved abortive through the want of resolution on the part of Dumont, who retired in the close of the year to Hanover. Suspicions arising from hints dropped by Dumont, and reported to the king's envoy at Hanover, that some dangerous design was in agitation; one Leefdale, a Dutchman, was sent to France as a spy, who, ingratiating himself into the confidence of Grandval, pretended to engage as an accomplice in the conspiracy; and Dumont at length revealed all the circumstances of the plot to the duke of Zell. Grandval, having accompanied Leefdale to Holland, was arrested at Eindhoven. When he found that Dumont and Leefdale had turned informers, he made a free and full confession of the whole business. Being afterwards tried by a court-martial, of which the earl of Athlone was president, he was unanimously convicted, and soon afterwards executed in the camp. The particulars of his confession, as enumerated in the sentence of the court-martial, are extremely remarkable. It appears, "that the marquis de Barbesieux, having found the project of this plot amongst his father's papers, held several conferences with the assassins respecting it; and that the plan was finally agreed upon with this minister—that on the 16th of April, 1692, Grandval, Leefdale and Parker went to St. Germain's to speak with the late king James about the said design, who had knowledge of it, and to take leave of him before they began their journey—that the prisoner had audience of the king, the queen being present; the king telling him: 'Parker has given me an account of the business: if you and the other officers do me this service, you shall never want.'—That the prisoner, with Chanlais, quarter-

quarter-master general to the French king, and Leefdale, were agreed in what manner the assassination should be committed; viz. that when the king should ride along the lines, or should go out to take any view, &c. Dumont should lie in ambuscade and fire upon the king; that Chaulais should be with 3000 horse at the duke of Luxemburg's grand guard; the prisoner saying, that it little concerned them whether Dumont should be taken or not, provided they could escape themselves—that the prisoner, as they were travelling, told Leefdale, that, their design taking place, the alliance among the confederate princes would be broken; that the princes concerned would each of them recall their troops, and, the country being thereby left without soldiers, the king of France would easily make himself master of it, and king James would be restored again—that the prisoner, with Leefdale, went to the mayor of Boisseduc, and was apprehended at Eyndhoven.” However black the colors in which this confession, which was very long and circumstantial, exhibited the courts of Versailles and St. Germaine, no disavowal or attempt at confutation appeared, but it was suffered to pass with every symptom of conscious guilt into silent oblivion.

The campaign on the Rhine this year furnished no event worthy of historic notice. The same may be said of the war in Catalonia. In Hungary, the important town of Great Waradin surrendered to the Imperial arms after a long blockade. The superiority of the confederates seemed this year conspicuous, chiefly on the side of Italy; the duke of Savoy, accompanied by M. Schomberg and prince Eugene, making a formidable irruption into Dauphiné, crossing the Durance, and reducing fort Guillestre, with the towns of Ambrun and Gap. Marechal Catinat, at the head of an inconsiderable force, exerted himself in vain to stop the progress of the allies, who threatened the city of Grenoble, and even Lyons itself. Large contributions were levied, and near 80 chateaus and villages destroyed, in revenge for the ravages committed by the French

in the Palatinate. France has rarely been exposed to a more dangerous attack. M. Schomberg, who commanded the English auxiliaries, published a declaration in the name of the king of England, inviting all persons to repair to his standard, and assuring them "that his majesty had no other aim in causing his forces to enter France, than to restore the nobility and gentry to their antient splendor, the parliaments to their former authority, and the PEOPLE to their just privileges." This manifesto, however honorable and noble its object, produced in the present enslaved and torpid condition of the country very little effect; and it may easily be supposed not very palatable to the other powers of the alliance. From whatever cause they might originate, dissensions arose and differences of opinion prevailed amongst the generals of an army composed of Italians, English, Germans and Spaniards. A dangerous illness which at this time seized the duke of Savoy, the vigilance of Catinat, who had possessed himself of some important passes, and the approach of winter, made it expedient to think of a retreat; and after demolishing the fortifications of Ambrun, they evacuated their conquests with a facility and rapidity not inferior to that with which they had been acquired.

The protestant interest in Germany acquired this year an accession of strength, by the creation of a ninth electorate in favor of Ernest Augustus duke of Hanover. Renouncing its ancient connection with France, that *august House* now formed new ties of amity and alliance with England; and it was in consequence of the powerful interposition of king William that the emperor at length reluctantly consented to bestow upon it this high and envied dignity; to which was annexed the office of great marshal of the empire: but, though honored with the Imperial investiture, he was not yet admitted to take his seat in the electoral college, the unanimous assent of the electors being found unobtainable.

Towards

Towards the end of October, 1692, the king returned to England, where events of great importance had taken place in his absence. On the presumption that he would pass the summer months on the Continent, the jacobites had renewed their machinations with incredible zeal and activity. So early in the year as January, colonel Parker arrived in England, and communicated in confidence to various persons the design of assassinating the king in Flanders, and of making at the same time a descent upon England. He assured them that their lawful sovereign would once more visit his dominions, at the head of 30,000 men, to be embarked at La Hogue, the transports being already collected, and a fleet equipped for their conveyance. He therefore exhorted them to be speedy and secret in their preparations, that they might be in readiness to take arms and co-operate in effecting his restoration.* King James himself at the same time published a Declaration, which was assiduously circulated by Parker and his other emissaries in England, importing, “that the king of France had enabled him to make another effort to retrieve his crown, and soliciting all persons to join his standard—making grievous complaints of the treatment which he had met with from his *infatuated* subjects. Seeing himself deserted by his army, and betrayed by his ministers, he had for his personal safety taken refuge in France; and his retreat from the malice and cruel designs of the Usurper, had been construed into an abdication, and the whole constitution of the monarchy destroyed by a set of men illegally assembled. He promised pardon, and even rewards, to all those who should return to their duty; and engaged to procure in his first parliament an Act of Indemnity, with the exception nevertheless of a long catalogue of names, † enumerated in the

* Vide depositions of Blair, Goodman, &c. taken before the secretary of state.

† Amongst these were the duke of Ormond, the lords Sunderland, Danby, Nottingham, Churchill, Delamere, Cornbury, &c. &c. the bishops of London and St. Asaph, Drs. Tillotson and Burnet; and Edwards, Stanman, and Hunt, fishermen at Faversham.

the Declaration, concluding with vague and general promises of protection to the church as by law established ; and pious protestations of paternal care and watchful attention to the welfare and happiness of all his subjects." The agents of the late king were indefatigable in enlisting men for his service ; and were particularly successful in the counties of York, Lancaster, and Durham, where the chief strength of the papists lay. By this time James had repaired in person to La Hogue, and was ready to embark with his army, consisting of a body of French troops, together with a considerable number of English and Scotch refugees, and the regiments transported from Ireland by virtue of the capitulation of Limerick. The government of England was well informed of these proceedings, in part by some agents of James, who betrayed his cause, and partly by admiral Carter, who, having been tampered with by the Jacobite emissaries, was instructed to amuse them with a negotiation. The queen issued a proclamation commanding all papists to depart from London and Westminster. Warrants were expedited for apprehending divers disaffected persons. The earls of Huntingdon, Marlborough, Dunmore, and Middleton, &c. were committed to the Tower ; and various other suspected persons imprisoned in Newgate, amongst whom was the notorious Ferguson, said to have been engaged in every plot against the government for the last thirty years. The bishop of Rochester was confined to his own house, and the lords Brudenel and Fanshaw secured. The train-bands of London and Westminster were armed by the queen's direction, and she reviewed them in person. And the grand channel-fleet, under admiral Russel, was ordered to put to sea with all expedition. In consequence of a very prevailing report, not to say belief, of the disaffection of the officers, the queen ordered lord Nottingham to write to the admiral, that she would change none of them ; and that she imputed the reports that had been raised to the contrivances of her enemies and theirs. This step, equally
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politic and generous, produced a very warm and loyal address from the naval commanders and captains, in which they vowed they were ready to die in her cause and that of their country. Far from prohibiting James's Declaration, she ordered it to be published with an answer drawn by Lloyd bishop of St. Asaph—thus manifesting that she submitted her title to the reason of her subjects, instead of betraying a fear that it could not stand the test of examination.

On the 5th of May, 1692, the admiral sailed, from the Nore; and being anxious to join the squadrons of Carter and Delaval, then cruising on the coast of France, after being himself joined by the Dutch, he plied through the sands with a scanty wind from the Nore to the Downs, and with much difficulty and excellent seamanship effected the desired junction off Beachy-head; thus disappointing the hopes of Tourville, the French admiral, who had formed a plan to intercept them. On the 19th of May they descried the enemy's fleet to windward bearing down upon them with full sail—Cape Barfleur being then about seven leagues to the S. W. The English and Dutch fleets conjoined consisted of no less than ninety-nine ships of the line, being, next to the Spanish armada, the greatest armament ever seen in the English channel. The count de Tourville, though far inferior in force, had positive orders from his court to fight, under the persuasion that the Dutch had not yet left their harbors; and when he discovered his mistake, it was too late to retreat. The count himself, in the *Soleil Royal* of 110 guns, bore down upon the English admiral with great courage. The battle soon became general, and lasted from ten in the morning till four in the afternoon, when a thick fog arose, and for a time separated the combatants. The sun at length breaking out afresh, admiral Russel perceived the French towing away in great disorder. The signal for a general chase was then made, which continued during the remainder of the evening, and the whole of the night, to the westward—supposing they would make for the
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the harbor of Brest. The next morning, thirty-four of the enemy's ship were seen crowding all their sail, and steering westerly. The pursuit continued with redoubled vigor, without regarding the order of battle, every ship making the best of her way. On the morning of the 22d, part of the French fleet was descried near the Race of Alderney, some at anchor, and some driving to the eastward with the tide of flood. The *Soleil Royal*, having lost her masts, ran ashore, together with the *Admirable* another first-rate, and the *Conquerant* of 80 guns, near Cherbourg, where they were followed and burnt by sir Ralph Delaval. Eighteen other ships of the enemy's line stood for La Hogue; and, being unable longer to keep the sea or elude the pursuit, as a last resource stranded themselves as far as possible on the beach. Vice-admiral Rooke immediately ordered the boats and fireships of his squadron, under cover of several frigates, to attack them. Of this extraordinary scene the troops destined for the invasion of Great Britain, and encamped at La Hogue, the late king himself, the *maréchal de Bellefonds*, the count de Tourville, &c. in common with many thousands of the people inhabiting the surrounding country, were the amazed spectators. The ships were protected on one side by cannon planted on platforms; and on the other by shallops manned by numerous crews with all the means of annoyance. Regardless of danger, the British sailors rent the air with shouts; they crowded to the boats with an emulation of eagerness; and no sooner had they reached the ships, than they attacked them in swarms. Scarcely was there an interval between their rising from below, and their appearing masters above; which was immediately proclaimed by their turning the guns upon the enemy: and all opposition being thus disarmed, they proceeded to burn the ships amidst acclamations of triumph; and, having accomplished their design, returned unmolested to the fleet. Thirteen capital ships were thus destroyed from 84 to 60 guns each, besides transports and store-ships.

store-ships. During the conflict James repeatedly exclaimed with rapturous admiration, "See my brave English!"—conscious, nevertheless, that he was viewing the extinction of his hopes. Sir John Ashby, and admiral Allemond the Dutch commander, pursued the remainder of the French fleet, which escaped with great difficulty, through the Race of Alderney. The loss of the English and Dutch was altogether trifling. The only flag-officer killed was rear-admiral Carter, who fell in the first day's engagement, leaving orders with his captain, almost in his latest breath, to fight the ship as long as she could swim. At the close of the action, James returned in mournful silence to the convent of La Trappe, there to bury in solitude and despair the remembrance of his former greatness. "He now began," as he expresses himself in his Memoirs, "to perceive that Providence meant to lead him through paths of affliction to his grave." From the bosom of his retreat he addressed a letter to the king of France, acknowledging that "this last disaster had entirely overwhelmed him—that he knew too well it was his own unlucky star which had drawn this misfortune upon his forces, always victorious but when they fought for his interests. He therefore entreated his most christian majesty no longer to regard as an object of his concern a monarch so unfortunate as himself—but permit him to retire with his family to some corner of the world, where he might cease to obstruct the usual course of his most christian majesty's prosperity and conquests." Louis endeavoured to alleviate his affliction by a kind answer, in which he generously promised never to forsake him in the worst of his extremities.

Queen Mary was no sooner informed of the glorious victory gained at La Hogue, than she sent 30,000*l.* to Portsmouth, to be distributed amongst the sailors. She caused medals to be struck in honor of the victory, and as tokens to the officers; and ordered the bodies of admiral Carter and captain Hastings, killed in the battle, to be interred with great funeral pomp. A descent upon the coast
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of France was also projected, and the troops actually embarked on board the transports; but this scheme was, to the disappointment of the public, ultimately laid aside, and the regiments destined for the service sent to join the army in Flanders.

The king had been received on his return from abroad with very great acclamation, notwithstanding the ill success of the continental campaign; the minds of the people being impressed with the idea of the naval victory, and their consequent deliverance from a French invasion; and their admiration excited by the heroism of the king's character, no less than their indignation at the atrocious conspiracy against his life. On the 4th of November, 1692, the parliament met, and were addressed by the king in a very popular speech. "I am sure," said this great monarch in conclusion, "I can have no interest but what is yours: we have the same religion to defend, and you cannot be more concerned for the preservation of your liberties and properties, than I am that you should always remain in the full possession and enjoyment of them." At a very early period after the commencement of the session, the earls of Huntingdon, Scarfsdale and Marlborough, who had been committed in May last prisoners to the Tower, where they had lain during some weeks, complained to the house of peers, that, on appearing before the judges of the King's Bench at the Michaelmas term preceding, the court had refused to discharge them from their bail, or to bring them to trial, conformably to the provisions of the Habeas Corpus act. On this great debates ensued; and the house came to a resolution, "that no peer shall be remanded to prison by the King's Bench upon his appearing before them by virtue of the Habeas Corpus act after having entered his prayer to be tried as the said act directs, or kept under bail unless there be against him two witnesses upon oath or in a capacity to be sworn." A day being appointed to consider in what manner to discharge the lords under bail from their recognisance,

recognisance, the house was informed, that the king had given orders for their releasement.

The earl of Marlborough had been committed to the Tower, on the information of one Young, a prisoner in Newgate, who had, as it afterwards proved, framed the draft of a treasonable association to assist king James on his landing, to seize on the person of the princess of Orange, &c. to which he had forged the names of archbishop Sancroft, the bishop of Rochester (Sprat), the earls of Marlborough and Salisbury, lord Cornbury, sir Basil Firebrace and John Wilcox. One of his emissaries had found means to secrete this paper in the library of the bishop's palace at Bromley in Kent, where it was found by the king's messengers. On the subsequent examination of this prelate by the privy council, the whole villainous imposition was detected, the bishop honorably discharged, the earl of Marlborough admitted to bail, and a bill of forgery and subornation of perjury found by the grand jury of Middlesex against Young.

A misunderstanding having taken place, after the victory of La Hogue, between admiral Russel and the secretary of state lord Nottingham; it was now transferred to the two parliamentary factions, and converted into a political and party contest. In the house of lords the interest of the court predominated, and the earl of Nottingham was completely exculpated. In the house of commons, the advantage remained with Russel. The lower house returned the papers of the secretary of state transmitted from the lords, with the Declaration, that they had read and well considered the papers in question, and had unanimously resolved, "That admiral Russel in his command of the fleets had behaved with fidelity, courage and conduct." They also came to a very pointed vote, "That his majesty be humbly advised, for the necessary support of his government, to employ in his councils and management of his affairs such persons only whose principles oblige them to stand by him and his right

right against the late king James and all other pretenders whatsoever." This was extremely invidious, and even unjust. According to the earl of Nottingham's explanation of his own principles, when the new settlement took place, he could very consistently obey that king whom the nation had elected; and he had in fact served him ably, zealously, and faithfully. And the vote could have no propriety, except the earl had in any point swerved from the allegiance he had solemnly sworn, which might be affirmed of various of his adversaries with a much nearer approach to truth than of him. The house passed another vote, probably as little acceptable to the earl, for an address to the king, "that in future all orders for the management of the fleet should pass through the Admiralty." Also, in a grand committee, the commons came to an unanimous vote, "that there had been an apparent miscarriage in the management of affairs relating to the descent the last summer." Yet on the ultimate criminatory resolution, "that one cause of the said miscarriage was the want of giving timely and necessary orders by such persons to whom the management of this matter was committed," the friends of the earl of Nottingham so vigorously exerted themselves, that it was carried by a single vote only, viz. 165 to 164—so that this deep-laid project of the whigs for the disgrace and removal of the earl of Nottingham proved abortive. The king, who well knew that the failure of the plan of descent was ascribable to far other causes than the negligence or incapacity of the secretary of state, took a decided part in favor of the minister, and dismissed admiral Ruffel from the service.

In this session the affairs of the East India company were resumed, and a bill ordered in for regulating, preserving, and establishing the East India trade to this kingdom—which was in fact a bill for establishing a new company under new regulations. But the progress of the bill through the house was much impeded by the interest of the old proprietors, and the whole business terminated in

an address to the king, "That he would be pleased to dissolve the company upon three years' warning, according to the condition of their charter;" to which the king replied in ambiguous terms, declaring his intention, with a view to the good of the kingdom, to take this address into consideration.

A bill of a very popular nature was at this period brought into parliament by the whigs, whose opposition to the ministry became now very powerful, "for free and impartial proceedings in parliament," rendering all members of the house of commons incapable of places of trust or profit. This bill, the first of a long series of Place Bills which met with the same fate, passed the house of commons without difficulty, and was, after vehement debate, rejected by the lords. The earl of Mulgrave exhausted his eloquence in a celebrated speech in support of the bill; concluding with the observation, "that, whatever success the bill might have, there must needs come some good effect of it. For, if it passes," said his lordship, "it will give us security; if it be obstructed, it will give us warning."

A bill of still greater importance was soon afterwards introduced by the earl of Shrewsbury, "for the frequent calling and meeting of parliaments." By this bill it was enacted, that a session of parliament should be held every year, and a new parliament summoned every third year. It was therefore known by the appellation of the Triennial Bill. This bill passed the lords by a great majority, and, contrary to the general expectation, was well received by the commons, notwithstanding the opposition of the courtiers; for the whigs and the tories were now running a race for popularity. But the bill was extremely unacceptable to the king, who regarded it as a dangerous novelty, and a serious invasion of his prerogative. When he came to the house, therefore, to pass the bills which were ready, after suffering that in question to lie long on the table, and

and exciting the eager curiosity and anxious expectation of the by-standers, he at length refused the royal assent.

Complaint having been made to the house of commons of a pamphlet written by Charles Blount, esq. entitled "King William and Queen Mary Conquerors;" it was ordered to be burnt by the common hangman, together with a pastoral letter of Burnet bishop of Sarum, containing the same dangerous and unconstitutional assertion. A similar doctrine had been inculcated by Lloyd bishop of Worcester, in a sermon preached before their majesties November the 5th, 1690, and afterwards licensed by authority, on the text, "For promotion cometh neither from the east nor from the west, nor from the north nor from the south; but God is the judge, he putteth down one and setteth up another." This was mentioned in the house with great disapprobation, but out of respect to Majesty no vote passed relative to it.

A very great proportion of the present session was occupied in the investigation of the affairs of Ireland, where gross and flagrant abuses were said to have been committed under the administration of lord Coningsby and sir Charles Porter, lords justices of that kingdom, previous to the appointment of lord Sydney as lord lieutenant. Various witnesses were examined at the bar of the house; particularly Mr. Slone and sir Francis Brewster, both members of the Irish parliament, who gave a long and interesting detail of the heavy oppressions under which the Irish nation labored. In the sequel, the house presented an address to the king, stating both the real and imaginary grievances of that country in strong language. Under the former head may be ranked the miseries of free-quarters, and the licentiousness of the army, the withholding the soldiers' pay, and the embezzlements practised, and frauds committed, respecting the forfeited estates:—under the latter, the protections granted to papists, the reversal of outlawries, and the indulgence extended to catholics by the capi-
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tulation of Limerick. The king, in reply, engaged to remedy whatever was found to be amiss respecting these matters.

The complaints of the Irish had by no means ceased in consequence of the appointment of the present governor, who had given much disgust to the Irish parliament by his haughtiness. "There never was," as Mr. Slone declared, "an house of commons of that kingdom of greater property or better principles than those which met under lord Sydney's administration: nor could any men be more gratefully sensible of the kindness which in their distress they had received from the English nation, or more cordially disposed to make such returns to the crown as became them. After parliaments had been discontinued for about 27 years, with an exception to that held by king James, nothing could be more welcome than such a meeting. The civil and military lists having been laid before them, Mr. Pulteney, secretary to the lord lieutenant, demanded a fund for the raising 70,000*l.* per annum to make the income of the government answerable to its expences. Though the country was so exhausted with the late war as to be rather in a condition to demand abatements than to grant fresh contributions; such was their zeal that they adopted the secretary's motion, and resolved to make provision accordingly. Ways and means came next under consideration; but such was the impatience of the court, that two bills were sent down to them ready drawn from the council-board, which they were required to pass without any farther ceremony. One of these was an impost of excise upon beer, ale and other liquors; and the other laid a tax of 1*s.* 5*d.* per acre on all corn throughout the kingdom. The first of these was not objected to as to the matter, but the second was universally reprobated. Then, as to the manner of introducing these bills, though by Poynings' law no bill was to be passed in Ireland, till it had first received the sanction of the English privy council, it was
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never pretended that the commons of Ireland were by that act foreclosed from taxing themselves in their own way. Not to give color, however, to misrepresentation, they suffered the Excise Bill to lie before them, and prepared a Poll Bill to make up the deficiency thereof. But the courtiers refused to give ear to any such temperament. They said publicly, 'That if their money bills were not passed in their own way, the army should continue at free-quarter.' At this period there were various National Bills depending in the house, viz. a Habeas Corpus Bill, a Bill for restraining the jurisdiction of the council-board; a Bill to prevent the buying and selling of offices, &c. which were intended to accompany the Tax Bills. But the necessity of an immediate supply was so earnestly pressed, that the house consented to pass the Excise bill, with a proviso that it should never be drawn into precedent. At the same time they rejected the Corn-Bill, for the express reason that it did not take its rise among the commons. All the courtiers joined in this compromise; and the house had every reason to believe that his excellency the lord lieutenant was perfectly satisfied with it. On the 2d of November he sent for the committee to wait on him in council upon the 4th, with the heads of their new laws—yet, no sooner was he in possession of the new excise, i. e. on the 3d, than he reprimanded them severely for entrenching on his majesty's prerogative and the rights of the crown of England by their votes and rejection of the Corn-Bill, and entered his protest in the lords' journal against those votes—after which he prorogued them to the 16th of April. This behavior of the lord lieutenant," Slone said, "had opened the eyes of the members, and they resolved to send over agents of their own to England, to guard against his devices, by laying a plain and true state of their whole conduct before their majesties. In order, however, that their conduct might be in all respects unexceptionable, they determined to ask the consent of the lord lieutenant. The answer

fewer they received was, ' that they could not have a better agent than the king himself—but if they would have leave for any to go over and beg the king's pardon for their riotous and disorderly meetings, they might have it.' Nor was this all : an order was issued to prosecute them upon an information in the King's-Bench, but stopped on better advice, the gentlemen being resolved to defend what they had done. Lastly, to shew how reasonably the petition to send agents to court was founded, it was farther alleged by Slone, that the papists were in actual possession of that liberty which, if extended to protestants, would have prevented the necessity of rendering the Irish house of commons obnoxious by the rejection of so many bad bills with fair titles, viz. the Bill for confirming the Act of Settlement, so worded as to make the remedy worse than the disease—another, to reverse the proceedings under king James's Act of Attainder, which had a clause no one dared to accept—a third, for punishing Mutiny and Desertion, but without any clause for regulating quarters, for a stated term of three years, and from thence to the next session of parliament, which it was in the power of the crown to postpone for twenty-seven years longer—and a fourth, for a new establishment of the militia, which required some counties to raise more men than the protestant inhabitants in them amounted to ; and imposed such arbitrary methods of raising the money for their support upon all, under such severe penalties, that the house, though desirous to render the militia useful, rejected it as a burden too grievous to be borne." This is a brief summary of Slone's famous evidence, and it affords a wide scope for deep and serious reflection. The king, finding that lord Sydney had made himself extremely obnoxious to the Irish nation, had the good sense immediately to recall him, though he still retained the high place he had always held in the king's personal favor. The government of the kingdom was again committed to lords justices, who were lord Capel, sir Cyril Wyche, and Mr. Duncombe.

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The session of parliament in England terminated on the 14th of March, 1693; the king informing the two houses in his speech, that the posture of affairs necessarily required his absence abroad. The tories still retained their ascendancy at court; and the earl of Nottingham was considered as the minister who possessed the chief credit with the king. Nevertheless it was the policy of William in a certain degree to balance the two parties: the whigs had, at no time, therefore, been totally excluded from the great executive offices of government; and the genius of the king himself pervading the whole tenor of the administration, the general spirit of it was mild, sagacious and beneficent. With the public it was evident that the earl of Nottingham's reputation was on the wane; though the accusations laid to his charge appear to have been false or futile. It was impossible but that some miscarriages should have taken place, in a ministry now of several years' duration. The language of Opposition is always popular; the conduct of a minister is often necessarily unpopular. The victory of Ruffel had fascinated the nation, and his prejudices and animosities were adopted by the multitude with little knowledge or discrimination. The king, perceiving the necessity of farther conciliating the whig party, at this period gave the seals vacated by lord Sydney to sir John Trenchard, who had been engaged in Monmouth's rebellion, and afterwards lived some years on the Continent. He was a man of much calm resolution, strongly attached to the principles of liberty, and well acquainted with foreign affairs. On the same day sir John Somers, attorney-general, was declared lord-keeper of the great seal, which had been now several years in commission. No appointment could be more popular, or more judicious. Somers was a man of strict integrity, of great capacity for business, of the mildest and most engaging manners, of the most generous and liberal principles. Not satisfied with the reputation of being the first lawyer and statesman of the age, he was also an exquisite

sifted judge and most munificent patron of literary merit. In a word, in him were united all the virtues and accomplishments which can make a character either great or amiable ; and History is proud to exhibit him as one of those exalted personages who occasionally appear to adorn and to enlighten a world too often ignorant or insensible of their merits. The department of the Admiralty was now placed in the hands of sir Cloudesley Shovel, an officer distinguished by his professional and personal merit, assisted by the admirals Killegrew and Delaval.

The KING embarked for Holland March the 31st, 1693, and immediately repaired to the army in Flanders, where the French had assembled a force far superior to the confederates. The king of France having joined his army in person, it was concluded that some grand design was in contemplation either upon Maestricht, Brussels or Liege. But the king of England having with great diligence possessed himself of the strong position of Parke near Louvaine, the measures of the enemy were broken ; and Louis, after detaching a body of 20,000 men to the Upper Rhine, left the care of the army to the marshals Luxembourg and Boufflers, and returned in some disappointment to Versailles. The duke of Luxembourg now removed his camp to Meldert, within half a league of the allies—and an engagement was hourly expected ; but neither side found a favorable opportunity of attack. The duke of Wirtemberg, however, with a detachment of thirty-three battalions and squadrons, forced the French lines between the Scheld and the Lys, and laid the whole country as far as Lisle under contribution. On the same day (July the 18th), on which the enemy's lines were forced, marshal Luxembourg quitted the camp of Meldert, and moved towards Huy, which was next day invested by marshal Villeroi ; and, after a feeble defence, it capitulated on the 23d. The French general then marched forwards to Liege ; but the allies had taken the precaution of throwing ten battalions into the place. Marshal
Luxembourg

Luxemburg nevertheless made such dispositions as seemed to threaten an approaching siege; but, on a sudden, early in the morning of the 28th, he quitted his post at Hellicheim, seven leagues distant from the camp of the confederates, and, marching in four columns, passed the Jaar; and before the close of day reached the village of Roucoux. The king of England, on discovering the van-guard of the enemy, resolved to wait the attack; as an attempt to retreat would have left his rear exposed, and the chief towns of the province of Brabant uncovered.

The duke of Wirtemberg not having yet rejoined the army, marechal Luxemburg was superior, as it is said, by 30,000 men to the allies. But the king depended on the strength of his position. The right of the confederate army extended to the banks of the Geete, the front being covered with hedges and hollow ways, stretching to the village of Neer-Winden in the centre. The left reached Neer-Landen, on the rivulet of that name; and the two villages were joined by an entrenchment, and the approaches covered with above 100 pieces of cannon. But the experienced and vigilant eye of Luxemburg discovered a great defect in this disposition. From the vicinity of a morass bordering on the Geete, at the back of the English camp, and the nature of the ground in front, he saw that the cavalry of the left wing would be unable to act with effect. And on reconnoitring the ground previous to the engagement, he exclaimed, "Now I believe that Waldeck is really dead!"—that general having been famous for his skill in encampment. The French began the battle at sunrise, by a furious attack on the villages of Neer-Winden and Landen; for the entrenched front was unapproachable while they were exposed to the fire of the two villages in flank. After a desperate conflict, the enemy made themselves masters of these important posts. M. de Luxemburg then ordered a general charge upon the whole line, which was carried into execution with an impetuosity that surmounted all resistance.

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The king of England, who was seen by turns in every post of danger, behaved with the most heroic courage, bringing up in person the English cavalry to the succour of the Dutch and Hanoverian horse, and charging twice at the head of the battalions at the entrenchment. The elector of Bavaria, after making every possible effort, retreated over the bridge thrown across the Geete, and rallied the fugitives. The king, seeing the battle lost, yet remained in the field, to give the necessary orders for the safety of the troops, displaying, in the opinion of all, no less conduct than valor. "I saw," said the prince of Conti in an intercepted letter to his princess, "the king of England exposing himself to the greatest dangers. Surely so much valor well deserves the peaceable possession of the crown he wears." The duke of Berwick being taken prisoner in the heat of the battle was carried to the king by general Churchill. That great man informs us in his Memoirs, "that the first thing which struck him, who had never seen the person of the prince of Orange before, was his eye like that of an eagle. He took off his hat without speaking to the duke, and continued giving his orders with a calmness which shewed the most perfect negligence of danger." The French commander himself joined in the general applause; and when the king of France read the accounts transmitted to him of this battle, he declared, "that Luxemburg had attacked like Condé, and that the prince of Orange had retreated like Turenne."

The loss sustained by the two armies was nearly equal—about nine or ten thousand men. King William being joined in a few days by the duke of Wirtemberg, and recalling his detachment from Liege, found himself immediately in a situation to risk another engagement. Both armies however remained for some weeks inactive, till, marshal Boufflers having led back the reinforcement detached some months since to the Upper Rhine, siege was laid to Charleroy, which the utmost efforts of the allies were inadequate

adequate to relieve. After a very gallant resistance of thirty-one days, the governor capitulated on the most honorable conditions; and the reduction of the place was celebrated with a *Te Deum* and other rejoicings at Paris. The conquest of Charleroy concluded the campaign in the Netherlands.

The French army on the Rhine, commanded by the marechal de Lorges, passed that river in May, and invested the city of Heidelberg, which, being taken by storm, was delivered up to all the horrors of cruelty, lust and rapine. Every house was ransacked and plundered. The churches were no longer sanctuaries. The same impious hand that robbed the altar, left it stained with human gore. The capuchins, on imploring that their monastery might be spared, were told, that not one stone would be left upon another. Even the sacred monuments of the dead were violated; and the bones of the electoral family torn with unhallowed rage from the vault where they had reposed for ages. All the quarters of the town were set on fire, and the inhabitants, without respect to age, sex, or condition, were driven almost naked to the castle to enforce a capitulation. When on the surrender of the citadel they were set at liberty, numbers of them died on their march, which was by night along the banks of the Neckar, of hunger, cold, weariness, and all the anguish of mind arising from such a burst of calamities. All Europe rung with the horrors of so dire a tragedy. Prince Lewis of Baden, who commanded the Imperial army, astonished and shocked at these atrocities, sent a message to marechal de Lorges, "that he was come from a war against the Turks; and that he expected Christian enemies would have treated each other with Christian usage; but that he found the French acted more like barbarians than their Turkish allies—He should therefore in future make such reprisals as would teach them, from concern to themselves, to shew compassion to others."

The Most Christian King was no sooner apprised of the infamous success of his arms at Heidelberg, than he sent
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his royal mandate to the archbishop of Paris to celebrate this joyful event by a *Te Deum*. "I ordered," said he, "my cousin the marechal duc de Lorges to make himself master of Heidelberg; and he has executed my orders.— This conquest, which begins the campaign so gloriously, affords me time, a freer entrance into the heart of the empire, and an almost certain presage of farther success."— But though M. de Lorges continued his march to Hailbron, and made several attempts to pass the Necker in order to attack the prince of Baden, he was invariably repulsed, and at length obliged to retreat by way of Philippsburg back to France.

In Catalonia, the Spaniards suffered the loss of the important town of Roses, almost without resistance. In Piedmont, the French had, as in all other parts during this summer, greatly the advantage. The campaign opened on the part of the allies with the siege of Pignerol; in which the duke of Savoy had made some progress when he understood that marechal de Catinat had descended into the plains, and menaced the city of Turin. Alarmed at the danger of his capital, the duke immediately drew off his army from Pignerol, and marched in quest of the enemy, whom he found encamped in the vicinity of Marfiglia. The left of the confederate army, composed of Spanish troops and Imperial cavalry, was commanded by the marquis de Leganez; the right, of Imperial and Piedmontese cavalry and infantry intermixed, by the duke himself, assisted by the count de Caprara; and the centre, which consisted of Imperial, British, and Piedmontese infantry, by prince Eugene of Savoy and the count de Las Torres. The duke of Schomberg, who had been denied his just rank, fought in the capacity of colonel only, at the head of his own regiment. Early in the morning of the 4th of October, 1693, the enemy advanced to the attack with undaunted resolution, charging with fixed bayonets at the end of their fusées, without firing a shot—at that time a very unusual mode

mode of fighting. The confederate troops defended themselves with equal spirit; till, the left wing at length giving way, the infantry in centre were attacked in rear and flank by the enemy's horse. Here the battle raged more desperately than ever; and the British troops had an opportunity particularly to signalize themselves. After the third attack the count de Las Torres condescended to solicit the duke of Schomberg to take upon him the command, and secure the retreat of the centre and right wing: but that able officer, instead of a magnanimous compliance, coldly replied, "that it was necessary first to have his royal highness's order; in the mean time they had no option but to conquer or die." After exhibiting prodigies of valor the duke received a mortal wound; and the confederates were finally compelled to abandon the field of battle covered with heaps of slain to the enemy, with almost all their artillery, and above one hundred standards. But the French army was so weakened by this victory as to be incapable of attempting any farther offensive operation.

The war in Hungary was still carried on to the disadvantage of the Turks, who this year lost the fortresses of Jeno and Villagustwar. But the Imperialists under the duc de Croy were repulsed in an attempt on the city of Belgrade.

After the prodigious loss sustained by the French at the battle of La Hogue the preceding year, their naval exertions during the present summer were truly astonishing. So early as the month of May, while the British ships were still in harbor, the different squadrons, having joined, formed a grand fleet of no less than seventy-one men of war of the line. In the beginning of June the English and Dutch ships sailed down the channel. On the 6th, sir George Rooke was detached to the Straits with a squadron of twenty-three ships as convoy to the Mediterranean and Smyrna trade—the whole fleet accompanying him fifty leagues to the south-westward of Ushant, for greater security to the merchant-ships, amounting to near four hundred in number. Unsuspicious of danger,
Rooke

Rooke proceeded on his voyage; and on the 17th descried to his astonishment the whole French fleet cruising about 60 leagues off Cape St. Vincent. In this emergency there was no alternative than to make signal for the merchantmen to shift for themselves—the convoy maintaining as well as they were able a running fight for their protection. In the result, two men of war, one English and one Dutch, were burnt, and two Dutch ships after a desperate resistance taken by the enemy, who also captured about forty of the merchantmen, several of them Smyrna ships richly laden, and destroyed about fifty more. The greater part saved themselves in Faro, St. Lucar or Cadiz. Sir George Rooke bore away for the Madeiras, whence he arrived at Cork in August. The French admiral, M. de Tourville, after insulting the coasts of Spain, and burning several English and Dutch vessels at Malaga, Alicant and other places, returned in triumph to Toulon. The greatest clamors were not without some appearance of reason excited in England by this misfortune. The whigs and anti-courtiers renewed their attacks on the earl of Nottingham, through whose criminal negligence, if not more criminal treachery, it was affirmed, this unparalleled calamity had happened. The admirals Killigrew and Delaval, both strongly attached to the tory, not to say, the jacobite, party, also fell, and with far more reason, under great and grievous suspicion. No attempt was made to retrieve the honor of the British flag, except by an attack on St. Maloes, a noted rendezvous of privateers, by a squadron under commodore Benbow, who cannonaded and bombarded the town, to the great consternation of the inhabitants, for three days successively.

In the spring of the present year, 1693, a session of parliament was held in Scotland, of which it is necessary to give some account, as well as of the general state of affairs in that kingdom for some years back. The system of government which it was the part of wisdom to adopt consequent

quent to the Revolution in Scotland, it was difficult to define, and yet more difficult to execute. The majority of the convention and of the nation at large being presbyterians, who were strongly attached to the new government, as the episcopalians on the other hand for the most part were to the old, it was a matter of necessity rather than choice in the king to confide the administration of affairs to that party. The earl of Melville was raised to the office of secretary of state; a nobleman of honest intentions, but of very slender capacity; firm to presbytery, accounted somewhat avaricious, but not a man of violence or malignity. He was personally known to the king, having taken refuge in Holland from the persecutions of the late reigns, and had the merit of advising and adventuring in the memorable expedition to England. But the king was thought chiefly to rely on the counsels of Dalrymple viscount Stair, constituted president of the College of Justice (father to Dalrymple the commissioner), a man of great craft, who had formerly been an instrument of oppression in the hands of Lauderdale, but who now strove to recommend himself to favor by his zeal in support of the new establishment.

By the promotion of Melville great and indeed mortal offence was given to sir James Montgomery, one of the leaders of the presbyterian party, of far greater ability, but of proportionably less moderation and less principle; and who now affected on all occasions to head the party of the discontented whigs. The parliament of Scotland met on the 17th of June, 1689. In the Scottish Remonstrance of Grievances, the first article was as follows:—"The Estates of Scotland do represent that the Committee of Parliament called 'The ARTICLES' is a great grievance to the nation, and there ought to be no Committee of Parliament, but such as are freely chosen by the Estates to prepare motions and overtures that are first made in the house." The committee in question, generally denominated *Lords of Articles*, by the gradual usurpation of the crown constituted indeed a grievance which

which might well be pronounced intolerable in a free nation. In the instructions of the duke of Hamilton, lord-high commissioner, the consent of the king was given to the *reform* and *regulation* of this committee, but not to its abolition—so reluctant are the best and most patriotic sovereigns to relinquish power, however invidious or flagrant its misuse. The king indeed was told, that to part with the lords of articles was to part with the brightest jewel in his crown. When apprised of the warmth excited by this refusal, he transmitted an additional instruction to the Commissioner, to concede to the three estates of nobles, knights or barons, and burgessees, the choice of eleven delegates each, to be chosen monthly or oftener if they thought fit; and a clause was added to enable the parliament not only to take any matters into consideration which had been rejected in the Committee of Articles agreeably to the original instructions, but primarily to move and regulate the same. But the patriots in parliament declared that, if the institution remained, the grievance would remain with it; and they would hearken to no modification of so detestable and unconstitutional an appointment. This committee was of obscure and remote origin, and was apparently intended merely to prepare and facilitate the business of parliament without assuming any species of separate or independent power. But they soon shewed a disposition to innovate on the rights of parliaments, and almost every reign added something to their encroachments, till Charles I. in the parliament held A. D. 1633, when he was in the height of his greatness, divested by his own royal and sovereign power the respective estates of the privilege of choosing their respective commissioners, and virtually consigned the whole appointment over to eight bishops, nominated by himself or the lord high commissioner, who were to choose eight noblemen, and the sixteen were then to nominate eight barons and eight burgessees; and these thirty-two persons, in conjunction with the officers of state as supernumeraries,

supernumeraries, should be the whole and sole Lords of Articles exclusive of all others. And to them was committed the right and liberty of bringing in motions, of making overtures for redressing wrongs, and of proposing means and expedients either for the relief or the safety and benefit of the subject. Neither was it lawful for any member or number of members not of the committee to make the least proposal or motion either for the repealing of an ill law, or for the enacting of a good one.*

Such was the nature of the institution which the wisdom and virtue of the Scottish patriots aimed, not merely to meliorate or modify, but for ever to annul and abrogate. The parliament being now, in consequence of the disappointment they had sustained, in a very discontented mood, a bill was introduced to incapacitate "all persons of whatever rank or degree from occupying any public trust or employment, who in the former evil government had been grievous to the nation, by acting in the encroachments which in the Claim of Rights were declared to be contrary to law, or had shewed disaffection to the late happy change, &c." To this the lord commissioner refused, not without good reason, the royal assent; it being evidently the effort of a faction to avenge themselves upon their enemy, and to engross the whole power of the government.

On the king's accession to the crown of Scotland, he had filled up the vacancies in the judicial department as in England, where no opposition to so obvious and necessary an exercise of the prerogative was thought of. But it was suggested by the disaffected and discontented in the parliament of Scotland, that by a vacancy in the throne all commissions were vacated; that, though the king by his prerogative had a right to fill such partial and occasional vacancies as might occur in the usual course of things, a general nomination could only be made by the authority and concurrence of parliament; and a bill was ordered in for that purpose.

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* Vide the celebrated tract entitled "Proceedings of the Scottish Parliament vindicated, &c."

But this the king considered as an high affront; and positive orders were given to the commissioner to reject it. Another bill was introduced for repealing the Act of Supremacy, passed in 1669 under the ministry of Lauderdale, which carried the authority of the king in matters ecclesiastical so high, that it seemed within the limits of his prerogative to establish any religion that he saw fit in Scotland. This was specified, and justly, in the Instrument of Government, as a fundamental grievance; and the king in his instructions had authorised the lord commissioner to assent to its repeal: but the assent was nevertheless refused. An act, however, passed early in the session for the abolition of episcopacy, and, as the act expresses it, the pre-eminence of any orders in the church above that of presbyter—and it vaguely and generally declared that the king and queen's majesties, with the advice and consent of parliament, would settle by law that Church in the kingdom which was most agreeable to the inclinations of the people: and by a subsequent proclamation, "all such ministers as were in possession of the ministry upon the 13th day of April, were allowed to continue there undisturbed." The pertinacity and ill humor of parliament seemed to increase as the session drew into length. They passed a resolution, that it was illegal for the judges nominated by the king to continue in the exercise of their functions; and forbade them to open their commission. The judges were on the contrary required and compelled to act by the authority of the privy council; and such was the ferment, that it was thought necessary to order a number of troops into the neighborhood of Edinburgh in order to preserve the public peace.

In the midst of this confusion, his grace the lord commissioner adjourned the parliament to the 8th of October following: but such a flame did the refusal of the court to accede to the measures of the patriots excite, that, previous to the adjournment, a remonstrance was framed in
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strong and energetic language, representing to his majesty the evil consequences which must ensue from a refusal "so contrary to his majesty's acceptance of the claim of right, and to his declaration promising the redress of grievances." The king, sensibly touched with these reproaches, caused his instructions to his commissioner to be published, by which it appeared that his grace was authorised to have made greater concessions than he chose to do respecting the points in question; and it was to be inferred that the king, who had little knowledge of Scottish affairs, was not well pleased with the conduct of those on whom he had placed his reliance. The ambition of some, and the disgust of others, who conceived that the king had violated his engagements, induced them to enter into dangerous cabals and intrigues with the high episcopal and jacobite party, for the restoration of the abdicated monarch, who in his present situation was supposed willing to concede whatever might be demanded. At the head of these mal-content whigs was sir James Montgomery, who, being disappointed in his views of obtaining the secretaryship of state, with the chief management of affairs, became the most virulent opposer of the government. Cherishing the same chimerical projects with the discontented whigs in England, he formed a close connection with the earl of Monmouth, the duke of Bolton, and other men of the same stamp—and they were so far actuated by the spirit of faction and folly, as to imagine that the national happiness and safety could be permanently established only by a counter-revolution—that king James, convinced of his errors, would detach himself entirely from the French interest; and that, if his restoration was effected by the whigs, he would entrust himself and his interests wholly into their hands. The particulars of this conspiracy were disclosed by the brother of Montgomery to bishop Burnet. He affirmed that a treaty was settled with king James, articles agreed on, and an invitation subscribed by the whole cabal.

During the recess of parliament, endeavors were used by the court to soften the rage of opposition by an artful distribution of places; almost every considerable office of government being put into commission, in order to provide for as great a number as possible. The great seal was committed to the custody of the duke of Hamilton, the earl of Argyle, and the earl of Sutherland—the privy seal to the earl of Forfar, the earl of Kintore, and the lord Carmichael: the treasury was divided among the earl of Crawford, the earl of Cassilis, and the earl of Tweeddale, the lord Ruthven, and the master of Melville; and the clerk register's office between the lord Belhaven and four other persons.

As the supplies granted by parliament had been for obvious reasons very scanty, it was absolutely necessary either to disband the army or speedily to convene another meeting. As the least of these evils, a session was held in the following spring, April 1690; the earl of Melville being appointed lord high commissioner. Such was the strength of the different parties united in opposition, that, on the first division on a trivial question respecting a contested election, the majority in favor of the court was not more than six or seven voices. Even this majority would have been lost, if all the jacobites who were returned had taken their seats in parliament, and of course the oath of allegiance; agreeably to the secret wishes and instructions of the court of St. Germaine's, and to the earnest entreaties of those who had the most zeal and the least conscience of the party; among whom mention is particularly made of Paterson, the deprived archbishop of Glasgow.

Although the violent whigs and the violent tories were equally eager to obstruct the measures of government, their views and designs were so irreconcilable that no cordial coalescence could long subsist. There were in fact three distinct parties in opposition—the jacobites, headed by the dukes of Athol and Queensberry, the lords Annandale, Breadalbane,

Breadalbane, Balcarras, &c.—the *disaffected* whigs, led by sir James Montgomery, colleague with the lords Argyle, Ross, &c.—and the discontented revolutionists, at the head of whom was the duke of Hamilton; who thinking his merits not sufficiently rewarded, and aiming at the chief direction of affairs, had no farther design than the ruin of the lords Melville and Stair. The court saw the necessity, in order to dissolve this connection, of making those concessions which had been formerly refused. The lord commissioner now therefore gave the royal assent to the Bill for rescinding the Act of Supremacy; to another for the direct establishment of presbytery and annihilating the right of patronage; and to a third for the abolition of the Lords of Articles. By these decisive measures, those members who were actuated by public and patriotic motives, and whose discontent had never risen to disaffection, were at once conciliated, a clear majority ascertained, and the Bills of Supply voted without difficulty. It is remarkable, that sir James Montgomery, imagining the court would not dare to assent to the unreserved establishment of presbytery in Scotland, from the jealousies it was calculated to excite in England, made a vehement and inflammatory speech in parliament, declaring “that he knew there were instructions for settling religion, and he thought it a shame it was not done; but some, to flatter the court, against their own principles had delayed it. He knew likewise some were for one kind of government, some for another; some were for a certain kind of presbytery called Erastianism, like that of Holland: but he told them there could not and ought not to be any other established in Scotland than the presbyterian model of 1648, which was the government most conformable to the word of God, and best able to control the extravagant power of kings, under which they had groaned so many years.” “This speech,” says lord Balcarras in his ACCOUNT of the Affairs of SCOTLAND, “to us that knew his secrets seemed a little extraordinary; but he

he excused himself by being *obliged* to do so, otherwise he should lose all credit with his party; and that it signified nothing, since he knew that lord Melville never durst pass it, though it came to be approved." The projects of the parties were now entirely disconcerted; and mutual reproaches succeeded. "To all your friends," said lord Balcarras in the celebrated tract now quoted, and addressed by him to the abdicated monarch, "it was very evident how great an advantage might be had by joining with the violent party; for by that we thought ourselves sure of breaking their army, which consisted of about 10,000 men, and which must immediately be disbanded when they saw the parliament establish no fund, neither for paying their arrears nor subsistence: and all having gone in confusion, and your majesty being then in Ireland, and the Highlanders in a better disposition to rise, it were easy to make a good use of their disorders. Sir James, in the first meeting we had with him, laid out the great advantages your interest would obtain if this succeeded—the strength of his party, and all the influence he had over them. He told us likewise of their sending a messenger to your majesty, with assurances of their returning to their duty; but said nothing of the instructions, commissions, and pernicious advices he had sent along with them, believing undoubtedly it would have hindered us from joining with them. For by this we should have clearly seen it was only trying to make a better bargain for themselves that made them change parties, and not out of any sentiments of conviction for having done amiss."

A direct rupture however did not take place between these jealous and distrustful friends, till the arrival of a messenger from the late king with a great black box of papers, directed to sir James Montgomery. This sir James first opened alone, and afterwards disclosed to the lords Argyle, Arran, and Ross, who agreed that various of the papers were improper to be seen by the other party. Sir James

James Montgomery therefore again closed and sealed the box, and appointed a meeting at the apartments of the marquis of Athol, at which the marquis himself, and the lords Linlithgow, Ross, Breadalbane and Balcarras attended. At this meeting, sir James informed the persons present, that a box of papers had arrived, which he had determined not to open but in their presence; protesting, as lord Balcarras in his narrative of this transaction affirms, in the presence of Almighty God, that he was entirely ignorant of the contents. But the lords present, strongly suspecting the integrity of Montgomery, examined the box and seals with the greatest attention, and plainly perceived not only that the cord was changed, but that the seals themselves were by a strange inadvertency Montgomery's own impression. A scene of the utmost confusion now ensued, not merely from the detection of so infamous a collusion, but from the actual inspection of the papers; by which, notwithstanding the withdrawment of those deemed most obnoxious, it appeared that the king had consented to put the whole power of the government into the hands of the presbyterians. "They," says lord Balcarras, "were in no less confusion than we; finding we saw their folly in undertaking things they had not the least shadow of power to perform. They had promised to get all the parliament to declare for your majesty, and immediately meet in your name; and the earl of Argyle commissioner, who was made a marquis, and sir James made earl of A——r, and Ross likewise an earl; and all employments of church and state, an army entirely put into their hands and those of their friends, who were generally the greatest enemies to monarchy. There were likewise great bundles of letters not directed, but left to their direction, to be given to any of your friends they thought fit to trust; which indeed we thought a little hard to be put into their hands, who had been for fighting your majesty, and also endeavouring to ruin us on your account."

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All confidence being now for ever lost, the only question at issue between the parties seemed to be, which should first impeach the other. The lord Ross, after protesting with oaths, as lord Balcarras informs us, that he never would make any discovery, communicated to a fanatic minister at Edinburgh that he was under great *trouble of conscience*, and desired his prayers to enable him to open his heart to him. After long prayers and many sighs and tears, he told him all he knew. The minister repeated next morning to lord Melville the result of this conference, and desired a passport to London for lord Ross; who before his departure informed Melville in general terms, that there were dangerous matters in agitation against the king and government, in which he had too great a share, and for which he sought God's pardon but was denied, and was now going to seek it from the queen. On his arrival in London and examination before the lords Nottingham and Danby, being thought to prevaricate in his evidence, he was committed close prisoner to the Tower. The earls of Argyle, Annandale and Breadalbane withdrawing also under different pretences to England; Montgomery himself repaired to the earl of Melville, and made a full discovery of the whole conspiracy. The good-nature and credulity of Melville, mistaking consternation for contrition, furnished this man also with a passport to London, and a letter to the queen in his favor. But, on his subsequent examinations, having, from a sense of honor not to be expected from a man who had acted a part so treacherous, persisted in his refusal to reveal the names of those with whom he carried on a correspondence in England, he failed in obtaining his pardon. After absconding and lying concealed some months in London, he made his escape to the Continent, where his plotting genius involved him in new dangers and difficulties, till at length spleen and vexation put an end prematurely to a turbulent and miserable life: and he may be regarded as one of the many striking examples
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which History exhibits, how great is the curse of possessing splendid talents, when unaccompanied by judgment and disgraced by moral depravity.

The earl of Annandale also threw himself upon the queen's mercy, and, as he had not personally treated with any in England, he could make no discoveries to their disadvantage. He gave however a deposition on oath against one Neville Payne, as the man who had been the chief medium of connection and correspondence between the English and Scottish malcontents. Being taken in Scotland, Payne was twice put to the torture, according to the barbarous custom of that country, without making any confession: and it does not appear that the extent of the conspiracy, which the government shewed much solicitude to fathom, was ever perfectly ascertained; though, according to the accustomed lenity of this reign, free pardon was granted to many who acknowledged themselves concerned in it. Several of the Scottish lords were set at liberty, on giving their words of honour not to disturb the government; but lord Arran refused, saying, "he was certain he should not keep it." Upon the whole, the session of parliament, which opened with so dark an aspect, terminated very prosperously. During the sitting, also, it was announced that a body of Highlanders to the number of about 2000, commanded by the colonels Buchan and Wachop, who had rendezvoused at Strathspey, with a view to a descent into the Low Country, were surprised and defeated with great slaughter by the king's troops under sir Thomas Levingstone.—And this was the last military effort of any consequence made by the party of king James in Scotland.

The power of the church being now in the hands of the presbyterian clergy, the episcopalians suffered from the former sufferers a persecution as rigorous as the benign spirit of the new government would permit. For, though the history of the world exhibits no characters more illustrious than those of many individuals of the clerical order
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whose ardent and generous minds have as it were burst the bonds of their own intellectual thralldom ; no truth is more certain as a general axiom, than that priests of all religions are the same—all, collectively speaking, tainted with the spirit of holy malignity, of lordly pride, of barbarous dogmatism, of relentless intolerance. All this is very consistent with the practice of many amiable and estimable virtues in social and domestic life. Such is the imbecility of human nature, and such the pernicious and fatal tendency of this aspiring and dangerous profession :—"having," as has been observed, " what Archimedes only wanted, another world on which to fix their engines, no wonder they move this world at their pleasure." A General Assembly as it is styled, or Synod of the church of Scotland, having been convened in the autumn of the present year, 1690 ; the proceedings of the clergy were so disagreeable to the court, that the Assembly was, little to their satisfaction, dissolved by an Act of State, and another convoked for the following year. In the mean time the king determined in some measure to restore the balance of the parties, by bringing some of the tories and episcopalians into office. The earl of Melville, as the man most obnoxious, was removed from his post of secretary of state, and made lord privy seal. James Johnston, late envoy to the elector of Brandenburg, and sir John Dalrymple, styled the master of Stair, were constituted joint secretaries ; lord Tweeddale, created a marquis, a man of sense and moderation, was appointed chancellor ; the earl of Lothian, high commissioner ; and the earl of Crawford, president of the council. But this motley administration did not conduct the affairs of government with much ability or success. The general assembly met at the close of the year 1691 ; and during the recess of parliament, the two parties were eager to try their strength in this subordinate scene of action. The presbyterians since the late changes were grown extremely jealous of the court. They said their friends were disgraced, and their bitterest enemies were admitted into favor. The king recommended

recommended to the assembly, by the high commissioner, to receive the episcopal clergy into the church, and to concur in such measures as would be necessary to effect a general comprehension. The prelatists now gave out, says bishop Burnet, "that the king was theirs; in answer to which the presbyterians affirmed that the law was theirs, and they would abate in no point of their government." Both parties being much inflamed, and no likelihood of accommodation remaining, the king ordered the assembly to be dissolved, without appointing any other time or place of meeting. But the presbyterian clergy, according to their high notions of church government, affirmed, that they had a *right* to an annual meeting, from which nothing could cut them off.—They pretended that the king's power of calling synods and assemblies was *cumulative*, and not *privative*—that is, he might call them if he would, and appoint time and place; but that, if he did not convene them, they might meet by virtue of the right *inherent* in the church:—therefore they adjourned themselves, having first protested against the regal dissolution. This appeared to the king an high strain of insolence, and a gross invasion of the prerogative of the crown; and there were not wanting those who were eager to embrace every opportunity of incensing him against the presbyterians. Thus the episcopal party acquired additional credit with the king; for the folly and fury of one faction operated in much the same manner as the actual exercise of wisdom and moderation in the other.

At this period a very unfortunate event took place, tending to throw a great odium upon the government of the king, already sufficiently unpopular. The earl of Breadalbane, one of those noblemen who had been concerned in the late plot and received his pardon, in order to conciliate the favor of the court, formed a scheme of quieting the Highlanders, and ensuring their submission, by distributing large sums of money among their chiefs: and 15,000*l.* were remitted from England for this purpose. By the con-

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nivance of government he informed the Highlanders, who were not unacquainted with his zeal in the same cause, that the best service they could do king James was to lie quiet, and to reserve themselves to a more favorable time; and in the mean while they were justified in taking the oaths, and sharing the money he had received for the purpose among them. Many of the Highland chieftains were persuaded by his arguments to a compliance; but others were obstinate, or made such extravagant demands, that lord Breadalbane found his scheme with regard to them impracticable. The most refractory of these rebel chieftains was M'Donald of Glencoe, between whom and Breadalbane a cause of private animosity subsisted, originating, as it is said, from an antient feud between the families. During the course of hostilities M'Donald had plundered the lands of Breadalbane; and this nobleman insisted upon being indemnified for his losses, from M'Donald's share of the money now to be distributed. This M'Donald not only absolutely refused, but was successfully assiduous in influencing others to reject the offers made to them. He also communicated to the duke of Hamilton and other enemies of lord Breadalbane the dangerous secret of this nobleman's being still avowedly attached to the interests of the dethroned monarch. Breadalbane, exasperated at this conduct, by an act, not of sudden passion, but of cool and deliberate revenge, devoted the chieftain and his clan to utter destruction. King William had by proclamation offered an indemnity to all the Highlanders who had been in arms against him, provided they would submit and take the oaths by a certain day. The day had been twice or thrice prolonged; and it was at last carried to the close of the present year, with a positive denunciation of proceeding to military execution against such as should hold out beyond the end of December, 1691. All were so terrified that they came in; and even M'Donald himself, no less intimidated, though somewhat more tardy than the rest, went to the governor

vernior of Fort William on the last of December, and offered to take the oaths: but he being only a military man could not legally tender them, and M'Donald set out immediately for Inverary, the county town of Argyle. Though the ground was covered with snow, and the weather intensely cold, he reached Inverary in a very few days, or, according to some accounts, within a single day, after the term prescribed by the Proclamation had elapsed. Sir Colin Campbell, sheriff of the county, being informed of the circumstances of the case, administered the oaths to him and his adherents, and they returned in peace and full confidence of security to their own habitations in the valley of Glencoe. Before this happened, the earl of Breadalbane had repaired to London, and made his report to the king of the diligence with which he had endeavoured to effect the service entrusted to him, and to return that part of the money which he had not disposed of. He embraced the opportunity of representing M'Donald to the king as the chief person who had defeated the good designs—as an incorrigible rebel—as a ruffian injured to blood and rapine, who would never be obedient to the laws of his country, nor live peaceably under any sovereign. He observed, that he had paid no regard to the royal proclamation: and, at once to gratify his own revenge, and, as there is great reason to believe, to make the king odious to the Highland tribes, he proposed that orders should be sent for a military execution on the men of Glencoe. This representation was strongly enforced, from causes which do not so distinctly appear, on the part of secretary Stair. It is indeed said, that the clan of Glencoe had distinguished itself by its cruelties in the late reigns on the conventiclers; and it is known that Dalrymple was a fierce and bigoted presbyterian. Of the degree of malignity which possessed his mind some notion may be formed from the tenor of his dispatch to lord Breadalbane, dated at so early a period as Dec. 3, 1691, in which he says, “By the next I expect to hear either these people are come to hand, or else your scheme for *mauling* them—for it will not delay.—Menzie, Glengary and all
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of them have written letters, and taken pains to make it believed that all you did was for the interest of king James—therefore look on, and you shall be satisfied of your REVENGE.” Shortly after the expiration of the term to which the Proclamation of Grace was limited, a paper of instructions was drawn by the secretary, and addressed to colonel Levingstone, commander of the forces in Scotland, specifying, “ that such as had not taken the oaths by the time limited, should be excluded the benefit of the indemnity—and that they be destroyed by fire and sword”—With this express mitigation nevertheless, in the 4th article, “ that the rebels may not think themselves desperate, we allow you to give terms and quarters: but in this manner only; that chieftains and heritors, or leaders, be prisoners of war, their lives only safe, and all other things in mercy—and the community, taking the oath of allegiance, &c. are to have quarters and indemnity for their lives and fortunes; and to be protected from the soldiers.” By an extraordinary singularity showing very artful contrivance, this instrument, dated January 11, 1692, was both signed and counter-signed by the king. This order, however, not being deemed sufficiently full and explicit, a paper of additional instructions was prepared by secretary Stair, who, with the same wary caution, procured it to be, as before, super-signed and counter-signed by the king; in which, after giving directions for receiving the submission of those who had made application for mercy, it is in words most fatally memorable said: “ If the tribe of Glencoe can well be separated from the rest, it will be a proper vindication of public justice to *extirpate* that sect of thieves.” Bishop Burnet expressly affirms, “ that the king signed this paper, as his custom too often was, in a hurry, without examining into the import of it:” but, without laying any great stress upon this assertion, it may easily be conceived that the matter might be represented to him in such false colors as to persuade

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suade him of the necessity of one example of great severity, to ensure the permanent peace of the country.

Having thus obtained the king's warrant for what Breadalbane and the master of Stair appear to have pre-concerted and pre-determined, it was not long suffered to remain dormant. - In a letter to the commander in chief Levingstone, dated January the 11th, 1692, the secretary says: "Just now my lord Argyle tells me, that Glencoe hath not taken the oath; at which I REJOICE. It is a great work of charity to be exact in rooting out that *damnable sect*, the worst of the Highlanders. The winter is the only season in which we are sure the Highlanders cannot escape us." In his dispatch of the 16th of January, 1692, accompanying the additional instructions, he writes, after some mention made of the royal mercy, "But, for a just example of vengeance, I entreat the thieving tribe of Glencoe be rooted out to purpose." And in his letter to colonel Hill, governor of Fort William, January 30, he directs, "Pray, when the thing concerning Glencoe is resolved, let it be secret and sudden. Better not meddle with them, than not to purpose." In another dispatch to Levingstone, he says: "I assure you, that your power shall be full enough; and I hope the soldiers will not trouble the government with prisoners." The execution of this bloody commission was committed to a captain Campbell of Glenlyon, who, at the head of a corps of soldiers, was sent in the month of February, 1692, to take up their quarters in the valley, remaining, as it appears, fifteen days—the commander professing the most amicable intentions; and he and his men being received with the rude but kind hospitality of the country. On the evening before the massacre, Campbell passed some hours in social converse and amusement at M'Donald's house: but, certain circumstances occasioning suspicion in the minds of the two sons of M'Donald, they went out to make discoveries, and, to their amazement, found eight or ten sentinels on the spot where only one used
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to be posted. The discourse amongst them was, "that they liked not the work; though they would willingly have fought the men of the Glen, they held it base to murder them." Upon hastening back to apprise their father of the impending danger, they found the mansion already surrounded—heard the discharge of musquets, and the shrieks and clamors of those within; and, being unarmed, fled for their lives, and had the good fortune to effect their escape.

Rushing to his chamber, the assassins had shot through the head the elder M'Donald, who fell lifeless into the arms of his wife. The laird of Auchintrinken, M'Donald's guest, who had submitted to the government three months before, and had then colonel Hill's protection in his pocket, met the same fate. A boy of eight years of age was stabbed to the heart in the act of imploring mercy. In this manner thirty-eight persons were inhumanly butchered; most of them in their beds—helpless and unresisting. The order extended to all the males in the valley under the age of seventy, amounting to about 200: but the parties which were to co-operate with Campbell, whether by chance, or, as is more probable, by design, did not arrive in time to secure the passes of the Glen, so that 160 escaped. After perpetrating this horrid deed, they set the houses on fire and drove off the cattle; leaving the women and children of the Glen exposed to the storms of that inclement clime and season, naked and forlorn, without food or shelter, in the midst of the snow that covered the mountains on every side, at the distance of six miles from the nearest habitation. And they are said to have perished for the most part in the waste before they could receive the least comfort or assistance; lady M'Donald in particular, wife of the chieftain, a woman venerable for her years and condition, expiring in a phrensy of grief and horror.*

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* Though Campbell, when the business in question became the theme of public execration, justified the perpetration of this abominable act, saying in

This execrable deed, performed under the immediate sanction of the king's authority, excited the amazement and indignation of all whose minds were susceptible of the feelings of humanity. The king himself, moved with just resentment at the imposition practised upon him, dismissed the master of Stair from his service; and caused a commission to be passed under the great seal of Scotland for a *precognition* in that matter, which is a usual mode in that kingdom of investigating crimes previous to bringing the criminals to a regular trial.—This terrible example of vengeance inflicted on the men of Glencoe effectually prevented indeed any future insurrection, or seditious disturbance; but inspired the Highlanders with an implacable animosity against the king's person and government.

The public exigencies not rendering it necessary to convene the parliament of Scotland at an earlier season, the session was deferred to April, 1693, when the duke of Hamilton,

in the Royal Coffee-house, Edinburgh, "that he would do it again, if it were again to be done;" yet we are told, that a consciousness of guilt was always visible in his deportment; and it was said of him, "Glencoe seems to hang about Glenlyon night and day—you may see it in his face."

It is curious to observe with what eagerness the execution of this atrocious project was transferred from one person to another. The commander in chief Levingstone sent his orders to colonel Hill, governor of Fort William; who devolved the task upon lieutenant-colonel Hamilton, who chose to shift it to major Duncanson, who employed captain Campbell, as the immediate agent in this bloody business—sending him his instructions in the following words: "You are hereby ordered to fall upon the rebels the M'Donalds of Glencoe, and put all to the sword under seventy. You are to have special care that the old fox and his sons upon no account escape your hands. You are to secure all the avenues, that no man escape. This you are to put into execution at five o'clock in the morning precisely; and by that time, or very shortly after it, I'll strive to be at you with a stronger party. If I do not come to you at five, you are not to tarry for me, but to fall on. This is by the king's special command, for the good and safety of the country, that these miscreants may be cut off root and branch. See that this be put in execution without feud or favor, else you may expect to be treated as not true to the king and government, nor a man fit to carry a commission in the king's service."

milton, being reconciled to the court, was appointed lord commissioner. By the able and dextrous management chiefly of secretary Johnston, the discontents of the nation were much assuaged, and the ill humour and sourness of the Presbyterian party somewhat softened. The king's letter presented by the commissioner, on opening the session, informed the estates, "that his majesty, ever since his coming to the crown, had been firmly resolved to hold a parliament in that his ancient kingdom—and that nothing but his necessary presence abroad during the time of action, or in England during the sitting of parliament there, had hitherto hindered his purpose.—He intimated, that the calling them together while he himself was absent from Britain, was to be considered as a proof of the entire confidence which he placed in their affection to him and his government. His majesty told them, that he had fully instructed his commissioner in all things which seemed to him necessary to be done at that juncture, for the support of the government, and the safety of the people; reserving what was omitted, and would admit of delay, to his own presence amongst them. And he was persuaded they would heartily concur in what his commissioner would propose to them in his name, for the common interest of king and people. In order to which, in a particular manner he recommended moderation and unanimity to them, especially in church matters; and that they would provide proper and healing remedies for the disorders which those matters had occasioned."

This politic and popular speech had its effect. The parliament voted an increased establishment, and large supplies. They determined to vacate the seats of those members who had not yet taken the oaths of fidelity and abjuration; and also imposed fines upon them. A Committee of Security was appointed, who reported to the house, that machinations were still carrying on in support of the late king James's interest; and Neville Payne was brought before parliament, to be examined touching certain intercepted letters. But he
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sent word to the duke of Hamilton, "that as long as his life was his own he would accuse none; but, that he was resolved he would not die, since he could discover enough to deserve his pardon." On considering the purport of this notification, the duke and his friends thought it best to indulge him with so long a delay for the production of witnesses, that the session elapsed before the expiration of the term; and the enquiry was no farther mentioned.

The affairs of the church were also conducted with more temper than could be expected. An Act of Comprehension was brought into the house, including all such of the episcopal clergy as submitted to take the oaths before the 10th of July, 1693. They were only required to subscribe to the common confession of faith, and to acknowledge presbytery to be the only legal government of the Scottish church; with a promise of submission thereto—with a farther indulgence, that, if they took the oaths and refused the declaration, they should be suffered to retain possession of their benefices under the immediate protection of the king—an authority, as bishop Burnet remarks, very like what they were wont to condemn as Erastianism—and in fact, many were suffered so to do, who did not even take the oaths previous to the time appointed by the act. An oath of fidelity also, exclusive of the oath of allegiance, was imposed upon all who held offices in church or state, to be tendered at the discretion of the council, who were empowered to fine and imprison such as should refuse. This was a measure of legislative violence and injustice: but the mildness and wisdom of the executive power rendered it in fact only a law of salutary restraint. The session came to a speedy and calm conclusion, and all things seemed tending to a peaceable and permanent settlement.

The late DECLARATION of king James, when he fancied himself on the eve of restoration, previous to the victory of La Hogue, was so imperious as to give much offence even to the most moderate of his own partisans. The earl of

Middleton, therefore, having obtained his releasement from the Tower, was deputed to France in the spring of the present year (1693), to procure one of another complection, and which, as far as words could go, gave universal satisfaction; for it made all manner of promises, and pardoned all manner of persons. In this most gracious and insidious of all the declarations promulgated by him, he says, “that, being sensible nothing had contributed so much to his misfortunes as the calumnies of his enemies—and reflecting upon the calamities of his kingdoms, he was willing to leave nothing unattempted that might reconcile his subjects to their duty. That though he would not enter into all the particulars of grace and goodness which he was willing to grant, yet he did assure them, they might depend upon every thing that their own representatives should offer to make them happy; it being his noblest aim to do more for the constitution than the most renowned of his ancestors; and in his opinion his chiefest interest to leave no umbrage for jealousy in relation to religion, liberty, and property.” This declaration gave extreme offence to the earl of Melfort, secretary to king James, and to the whole party who were desirous of re-establishing the abdicated monarch without fettering him with terms and conditions. And the earl of Middleton being at the head of the opposite or moderate party, the court of St. Germaine’s was divided into the two factions of COMPOUNDERS and NON-COMPOUNDERS; the latter of whom were far more in the favor and confidence of the king: but the former being accounted more numerous and powerful, it was deemed politic to dismiss the earl of Melfort from his post of secretary, and transfer the seals to the earl of Middleton. It is curious to observe, that all who came under the denomination of COMPOUNDERS were regarded by James as of the republican party. In a memorial presented by this monarch to Louis XIV, November 1692, he affirms, “There are two ostensible parties of protestants who are for him in England—the episcopals

peals and the republicans. The first are against, the second for, concessions. These are to be suspected.—Nevertheless,” he says, “ALL who are of this party have not been traitors. The earl of Middleton, who was secretary of state when he left England, never did a false step; general Sackville never failed in his duty; and the earl of Shrewsbury, who was secretary of state to the prince of Orange, laid down that employment by his orders. These are men whom he extols as equally clear-sighted and incorruptible.”*

At this period, if any credit is to be given to the secret correspondence kept up by the court of St. Germaine’s with their friends or pretended friends in England, disaffection to the new government had arisen to an alarming height. The abdicated monarch in his *Mémoires*, so far back as the preceding year 1692, writes, “Many begin to be dissatisfied with the prince of Orange’s government. The number of *the king’s friends* increased daily—they proposed schemes for his restoration—the correspondence with CHURCHILL was kept up.” We are assured, that the cities of Bristol and Exeter had signified their loyalty to James. The earl of Litchfield promised for the county and city of Oxford; the earl of Lindsey for the county of Lincoln; sir John Freind hoped to possess himself of the Tower; the marquis of Carmarthen, president of the council, engaged for Hull. Exclusive of the non-juring clergy, four-fifths of those who had taken the oaths were ready to join the king. The arch-traitor Sunderland wrote a letter to James, full of contrition for his past conduct, assuring him, “that an invasion could not fail of success, and promising to contribute all he could to his service.” Godolphin, Marlborough and Shrewsbury also continued their clandestine and illegal intercourse with the late sovereign.

The KING returned to England in the month of October, 1693; and he was now prompted by various concurring

* Macpherson’s State Papers, vol. i. p. 433—40.

ring motives to resolve upon a farther change in the administration. The unpopularity of the earl of Nottingham had so far increased as to make the ministry, of which he was considered as the head, collectively odious. It was therefore signified to him, that the king had no farther occasion for his services. And though WILLIAM was perfectly assured of the fidelity of that nobleman, and by no means ignorant of the cabals of his adversaries at the court of St. Germaine's, he saw the necessity of again having recourse to the whigs. It is very remarkable, that the person with whom he chiefly advised upon this occasion, and by whose counsels he was supposed to be most influenced, was the earl of Sunderland; who had been for some time past rising into high favor with the king, and who stood in the singular situation of being trusted by two monarchs, both of whom he had betrayed, and neither of whom would avow their communication with him. It is probable that this extraordinary man was less insincere in his professions of attachment to William than to James; though with him, and indeed with too many others, self-interest was the rod which swallowed up the rest. At this period he undertook the important and arduous task of reconciling the monarch with the whigs, whose political confidence he possessed. For, though to the nation at large he appeared the most obnoxious minister of the late reign, it was well known to the leaders of all parties that he was chiefly and purposely accessory to the ruin of the abdicated monarch. Deeply versed in the science of human nature, and skilful beyond any man in practising on the weaknesses and passions of men, he had made his attack in the precise part where he knew the king to be most vulnerable. Perceiving the ruling passion of the monarch to be the reduction of the power of France, and that, notwithstanding the ill success of the war and the heavy burdens it brought on the country, he was still eager in the prosecution of it; this nobleman determined to display still more ardor, if possible, in the pursuit of the same object,

object. In order to attain his grand purpose, viz. the reinstatement of himself in power, he saw clearly the necessity of declaring openly and decidedly in favor of the whigs, who were beyond comparison more eager and zealous than the tories in their support of the war, and more vehement in their dread and detestation of the Gallic power.

The marquis of Halifax also attempted at this critical juncture, though with inferior address and far less success than Sunderland, to retrieve his credit with the whig party by his eagerness and ardor in the same cause ; in defence of which he published a political tract, in which he affirmed it " to be of the last consequence to every true Englishman that the present war should be carried on for the preservation of our liberties and religion, against the common enemy of both ; notwithstanding the false and foolish insinuation of some discontented *jacobites*, that a peace with France is more necessary than a war, and that it is more carried on for the sake of others than ourselves." Perceiving himself shunned, neglected, and despised, this nobleman soon after terminated a restless and eventful life in a state of political chagrin strangely blended with religious contrition ; and he died, as bishop Burnet, who attended him, had the charity to hope, " a better man than he lived." He possessed an exquisite talent for keen and sarcastic raillery ; and was one of those statesmen who had rather be admired for saying a witty thing, than approved for doing a wise one. He had by turns been the idol of both parties ; but lived to see himself the contempt of both.—So much were his fine talents obscured and disgraced by his want of steadiness, consistency and principle.

The tories who remained in office did not tamely acquiesce in the measures of their antagonists, or yield up their superiority without a struggle. Lord Godolphin, retaining his place at the head of the treasury, presented to the king at this period an admirable letter or memorial, in which, after stating the principal difficulties of continuing the war, he

he represented the great and manifold advantages which would attend the conclusion of a speedy peace, in very forcible terms. "I presume," says the memorialist in conclusion, "to say, that, the war being ended, a new parliament called, and such measures pursued (i. e. such measures as would tend to raise the government above a dependency upon either faction for support), your majesty would quickly find that the jacobites would turn moderate churchmen and loyal subjects, and the whigs much more obsequious courtiers and easier servants than they now are." But the counsel of Sunderland was far more acceptable to the king, than that of Godolphin; and a resolution was taken to engage the most popular leaders of the whig party in the administration. Admiral Ruffel was restored to the command of the fleet, and in a short time placed at the head of the board of admiralty; and the commissions of lieutenancy, &c. throughout the kingdom were altered in favor of the whigs. The tender of the seals to the earl of Shrewsbury was attended with very singular and curious circumstances. Captain Lloyd, in his subsequent report to the court of St. Germaine's, says, "I went to wait on the countess of Shrewsbury: she told me how her son the earl had been obliged to accept of an employment. The prince of Orange had sent for him to offer him the post of secretary of state, which he refused on account of his bad health. But the prince of Orange shewed him that he had a very different reason, by repeating to him a discourse which he had held about your majesty. This surprised the earl of Shrewsbury much, and convinced him of the danger of refusing the employment. He demanded some time to go to the country on pressing business; and, on his return, was, to his great regret, *obliged* to accept of the seals." It is traditionally reported, that the king sent a colonel of the guards to the earl with the seals of office in one hand, and a warrant of commitment to the Tower in the other. It may easily be supposed that he did not long hesitate which of these to accept.

Notwithstanding

Notwithstanding the series of triumphs which had hitherto almost invariably attended the arms of the king of France, that monarch was anxious for the return of peace; and this he scrupled not repeatedly to express. He was fully sensible that an insurmountable barrier was raised against any farther permanent acquisition of power. In consequence of the exertions made by France in the course of this arduous contest, the resources of the kingdom were exhausted, and from a succession of unfavorable seasons the harvests of that country had proved extremely deficient: so that, while the external appearance, of things dazzled the eye with the false and artificial glare of magnificence, the interior exhibited a deplorable scene of misery and wretchedness. In the course of the present winter, the king of France was from these motives induced to make a very equitable and reasonable proposal for the accommodation of differences, through the respectable mediation of the court of Denmark; purporting in substance the restitution of the conquests he had made during the war, the renunciation of his pretensions to the Low Countries in the event of the death of the king of Spain, and the re-establishment of the former treaties of commerce. In the memorial presented by the Danish ambassador on this occasion to the court of London, December 1693, he with dignity and propriety states, “ that the desolation this present war has carried into most parts of Europe, together with the duty incumbent upon a Christian king, oblige the king his master to impart to his Britannic majesty those proposals of peace which the most Christian king has communicated to him—that otherwise the king his master might have reason to decline his offices towards the peace of Europe, and taking upon him so important a negotiation, since the advances he has already made, as well as the king of Sweden, have not only proved ineffectual, but likewise have been so misconstrued as to render them suspected.” Of the terms thus fairly and honorably tendered, the
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tory ministers were justly supposed to have signified to the king their entire approbation. But the measures of the court were decided; and the king had already announced in his speech to parliament, November 7, 1693, “the necessity of *increasing* the national forces both by sea and land, the next year, as essential to the honor and security of the kingdom—informing them that the continental powers had on their part resolved upon making proportionable additions, and demanding a supply equal to the present exigency.” The house of commons, highly gratified with the late changes, voted unanimously “that they would support their majesties and the government, and grant a sufficient supply for the vigorous prosecution of the war.”

The bill for rendering all members of the house of commons incapable of places of trust and profit, which had been brought in last session under the title of a bill touching Free and Impartial Proceedings in Parliament, and rejected by the lords, now passed with an high hand through both houses—but when presented to the king, with the land-tax and other bills, the royal assent was refused, to the great astonishment and indignation of the commons, who immediately came to a vote, “that whoever advised the king not to give the royal assent to the bill in question, was an enemy to their majesties and the kingdom.” And an address was unanimously agreed to, representing the grief of the commons, that a measure which tended so much to the clearing the reputation of the house should be rejected by his majesty after their great exertions for the public service. “We humbly beseech your majesty,” says this high-spirited and patriotic house of commons, “to believe that none can have so great a concern and interest in the prosperity and happiness of your majesty and government as your two houses of parliament; and do therefore humbly pray, for the future you would be graciously pleased to hearken to the advice of your parliament, and not to the
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secret advices of particular persons, who may have private interests of their own separate from the true interest of your majesty and your people." The king's answer expressed his high esteem for the constitution, and the great regard he should ever pay to the advice of parliament—assuring them "that he should consider all such persons as his enemies who should advise any thing that might lessen it." This was so evasive, that a motion was made to address the king for a farther and more explicit answer; but, on a division, over-ruled by a great majority.

In the course of a tedious enquiry into the naval miscarriages of the last year, lord Falkland, who had for some time past occupied the high station of first lord of the admiralty, fell under parliamentary displeasure. The admirals were exculpated; and Ruffel, after a short interval, and with unusual powers, placed at the head of the board. But the earl of Nottingham silenced, though unable to disarm, the malice of his enemies, by the clearest and most satisfactory vindication of his own conduct.

This session of parliament was rendered memorable by the establishment of a National Bank, under the denomination of the Bank of England; the original capital stock of which, amounting to 1,500,000 l. was subscribed in ten days. This proved a very sensible relief to government in matters of pecuniary concern, and raised surprisingly the value of exchequer bills, tallies, and other government securities, which had suffered under a great depreciation. The act however did not pass without animadversion. Some prophetic politicians intimated their apprehensions, "that an institution of this kind would soon become a mere creature of the government—that care would be taken to give it none but government operations—that on any sudden emergency, or even general panic, the bank might find itself unable to answer the demands of its creditors, and that the failure of a national bank must be attended with national ruin—that such an institution under the influence

of

of the executive government, would throw more real power into its hands, and add more facility to the projects of arbitrary and despotic ministers, not to say monarchs, than the erection of a citadel:—that the shutting up the exchequer in the last reign but one, after the bankers had been induced to deposit the money there, was alone sufficient to manifest the danger of trusting any mighty mass of wealth within the reach of power:—and in fine, that from the time this new wheel was added to the machine of government, all its motions would be mysterious and unintelligible; and a very little cunning might serve to destroy what all the wisdom and virtue of the nation could never restore.”

As no decisive measure had been resolved on during the last session to the prejudice of the East India company, the proprietors flattered themselves that they had the best of the contest. And they had in consequence made application to government for a new charter, to enable them to take in additional subscriptions to the amount of 756,000*l.* which was necessary to raise the aggregate of their capital to one million and a half, which had by a vote of the house of commons been declared necessary for carrying on the trade; and had actually obtained an order of council to the attorney general for preparing one with such additional regulations as were previously agreed upon. But on the other hand, the antagonists of the company had preferred their petition to government, praying, as before, “for the establishment of a NEW COMPANY by a new, free, and national subscription; and declaring that the addition of new subscriptions to the *imaginary stock* of the company then subsisting would expose the new stock to the debts of the old; whereby the said new stock might be swallowed up, and the whole trade endangered.” An application for a new charter was indeed become absolutely necessary on the part of the old proprietors, in consequence of their own egregious indiscretion. For, a bill being introduced for taxing the joint stocks of the
several

several public companies, and the capital of the East India Company being valued at 744,000*l.* it was urged in plea of abatement, that, were their debts paid, their stock would be worth little or nothing. The bill nevertheless passed, with a severe clause of forfeiture of charter in case of default of payment. Default being made, the charter became legally void, and the antagonists of the company maintained, that, being voided by Act of Parliament, it could only be restored by Act of Parliament. After a violent contest, and repeated hearings before the privy council, a warrant was at length prepared by an order of council for her majesty's signature in order to the passing the charter in question, and the great seal was affixed to the same by the lord-keeper Somers, on the 7th of October, 1693. A petition was, however, presented to the house of commons by the indefatigable and persevering antagonists of the company, on the meeting of parliament, containing allegations both against the legality and expediency of the new charter: and after vehement debates, in which the friends and foes of the company exerted themselves with alternate success, a resolution of the house passed, amounting to a virtual subversion of the charter, by declaring "that all the subjects of England had an equal right to trade to the East Indies, unless prohibited by act of parliament." But no censure was passed either on the several charters granted to the company, or the manner of obtaining them:—nor was any project adopted for regulating the trade by authority of parliament for the future.

Ever since the reduction of Ireland, almost every gale that blew had been freighted with the groans of the miserable inhabitants. The administration of Coningsby and Porter had been rendered odious by such a series of frauds and oppressions, as would have disgraced the government of a Turkish Pacha. So powerful nevertheless was their interest at court, and with such plausibility did they urge the never-failing pretence of *necessity*, "the tyrant's plea for devilish deeds,"

deeds," in extenuation of their measures, that a pardon was ordered to pass the seals in their favour. But this was arrested in its progress by the representations of Lord Bellamont, and James Hamilton, esq. at the council board, who also petitioned the queen that all proceedings might be suspended till the said petitioners and many others of their majesties' liege subjects of Ireland had produced their proofs against them. Coningsby and Porter on this thought proper to waive their privilege of a pardon. And at the ensuing meeting of parliament, Bellamont, who was himself a member of the house of commons, exhibited regular Articles of Impeachment against them, accusing the lords justices of "traitorously abusing the power and authority with which they had been invested, &c." And a solemn hearing being appointed, and vouchers for each article produced; the house seemed greatly impressed, and its indignation strongly excited by the enormity of the offences proved against them. Nevertheless, a resolution ultimately passed, "*that, considering the state of Ireland at the time, they did not think fit to ground an impeachment upon them.*" This weak and guilty vote was followed by the dismissal of Bellamont, and the pardon of the delinquents.

If, however, the house was in this instance too lax in its *morality*, they made what bigotry and superstition would doubtless deem an ample compensation in their extravagant display of zeal for *religion*, by condemning to be burnt, nearly at the same time, by the hands of the common hangman, a certain Socinian pamphlet called "A Dialogue concerning the Deity,"—or, "A brief Confutation of the Doctrine of the Trinity;" ordering a prosecution of the author, printer, and publisher: thus deciding without knowledge, offering violence in opposition to argument, setting up for judges of abstract truth, arrogating to themselves a papal jurisdiction, and exercising an authority foreign to the very nature of civil government, whose object it is to protect men in the enjoyment of their just rights; of which the free and unrestrained

unrestrained investigation of truth is one of the most sacred and important.

The session terminated April 25th, 1694, immediately after which a grand promotion, civil and military, took place. The earls of Shrewsbury, Bedford, and Devonshire were created dukes; also the earl of Clare, and the marquis of Carmarthen, under the new designations of Newcastle and Leeds. The earl of Mulgrave was made marquis of Normandy, with a pension of 3000*l.* per annum. Lord Sydney was appointed master of the ordnance, declared warden of the Cinque Ports, and created earl of Romney. Mr. Montague, a man of rising talents, and zealously attached to the whig party, was constituted chancellor of the Exchequer. Two patents of peerage were at once conferred on lord Charles Butler, brother to the duke of Ormond, by the style and titles of lord Butler of Weston in England, and earl of Arran in Ireland. And the duke of Hamilton dying at this period, the blue ribbond worn by him was transmitted to the duke of Shrewsbury.

Early in May, 1694, the king embarked for the Continent; and, after passing a few weeks at the Hague and Loo, took upon him the command of the allied army, which was ordered to rendezvous at Louvaine. Here he was met by the brother-electors of Bavaria and Cologne; the latter of whom had recently, in opposition to the utmost efforts of the French court, on the demise of prince Clement of Bavaria been chosen bishop of Liege. The army of the confederates, when completely assembled, did not amount to less than 90,000 men, excellently trained, and amply provided. The French, who were inferior in number, but confident in the abilities of their commander M. Luxemburg, had orders to act on the defensive. The two armies employed several weeks in marches and countermarches; till at length marechal Luxemburg, crossing the Maese, made a movement with his whole army on the side of Liege and Maestricht. The king, knowing how well
those

those places were provided for defence, immediately ordered a grand detachment under the elector of Bavaria to march with all expedition and pass the Scheld at Oudenarde and Pont d'Esperries, taking post on the other side in order to facilitate the passage of the whole army over that river, with a view to penetrate into French Flanders. This was generally allowed to be a very judicious and masterly movement; and had marechal Luxemburg possessed only ordinary talents, it would probably have been attended with decisive success. But the marechal was no sooner apprized of the route which the confederates had taken, than he detached a numerous corps of his best horse, with each a foot-soldier behind him, to reinforce M. de Valette, who had the command of the French lines at Pont d'Esperries; ordering M. de Villeroy, accompanied by the dauphin with the cavalry and household troops, to follow with all possible expedition. After a prodigious march of seventeen hours without halting, the marechal formed a junction with M. de Valette on the banks of the Scheld: and when the elector of Bavaria, who had also advanced with no ordinary degree of haste, arrived at the destined spot, he perceived to his utter astonishment the French troops entrenching themselves on the opposite side of the river. The king himself, soon after joining the elector in person, reconnoitred the position of the enemy, and adjudged an attack impracticable. In the sequel, M. de Luxemburg posted his army between Courtray and Menin, in so masterly a manner that no impression could be made on the French frontier on that side; and the grand object of the campaign on the part of the confederates was wholly frustrated. The service thus performed by marechal Luxemburg was deemed so great, that the king of France wrote a letter with his own hand to the marechal acknowledging, "that to the unparalleled zeal and diligence of the commander in chief, and to the officers and soldiers serving under him, he stood obliged for the preservation of the frontiers on that side." And by his majesty's express command

command this letter was read to every corps from the right to the left of the army.

As the French army was now totally withdrawn from the vicinity of the Maese, the king of England, in order to make some advantage of his superiority, detached a body of troops, to be joined by other detachments drawn from the garrisons of Liege and Maestricht, to invest the town and castle of Huy, which surrendered after such resistance as could be made; and about the middle of October, 1694, the armies separated and went into winter-quarters.

The prince of Baden, who had passed two months of the preceding winter in England, and had concerted measures with the king for an active campaign, now commanded on the Rhine. In June (1694), marechal de Lorges passed the Rhine at Philipsburg, in order to force the allies to a battle before the army was completely formed. The prince, having intelligence of his motions, possessed himself of a strong camp near Sintzheim, which the French general would not venture to attack : and the prince, being at length joined by the Saxons, &c. not only compelled the marechal to repass the Rhine, but, following him into Alsace, laid the whole country under contribution. At the approach of winter he retreated, not without some loss, into Germany, without any decisive advantage being gained on either side.

In Hungary the war continued with an uninterrupted flow of success, though not great or rapid; on the part of the emperor : and this year the fortress of Giulia surrendered after a long siege to the Imperial army under general Caprara—Temeswar alone now remaining in possession of the Turks, of all the towns and fortresses to the north of the Danube.

The principal scene of action this year was Spain. So early as the month of May, the marechal duc de Noailles had forced the Spanish lines on the banks of the river Ter, and gained a complete victory; amongst the immediate fruits of which was the reduction of the towns of Palamos,

Gironne, Ostalric, and Castel Foletto ; and having been invested by his Most Christian Majesty with the dignity of viceroy of Catalonia, he menaced the city of Barcelona with an immediate siege. His pompous title proved, however, to be somewhat prematurely conferred ; for, on the arrival of admiral Ruffel with the combined squadrons of English and Dutch, M. de Tourville, who was to have co-operated with Noailles in an attempt upon the city of Barcelona, retired into Toulon ; and the marechal was, to his great chagrin, compelled to abandon his enterprise.

The campaign in Italy terminated without siege or battle ; and the inactivity of the duke of Savoy was with reason supposed to originate in a clandestine negotiation which he had for some time past been carrying on with the court of Versailles.

The maritime operations of the year were upon the whole far from fortunate. Admiral Wheeler had been detached with a strong squadron to the Straights to convoy the Mediterranean and Levant trade, and to cruize off Cadiz till the arrival of the Spanish flota. Having successfully performed these commissions, it was his evil destiny, in the month of February, 1694, to encounter off the Rock of Gibraltar one of the most violent tempests known in the memory of man. It began on the 17th, and continued with little or no remission to the 19th ; in which dreadful interval admiral Wheeler himself in the Suffex man of war, and two other fine of battle ships, were totally lost ; besides three of an inferior rate, and an incredible number of traders and coasting vessels.

A still greater disaster occurred in the failure of a grand expedition against Brest, respecting which the nation had formed the most sanguine expectation ; nor, on the other hand, had any project framed by England during the present war occasioned so much alarm and apprehension to the court of France. In the beginning of June, a fleet of about thirty ships of the line, English and Dutch, commanded by lord Berkeley,

Berkeley, having on board 6000 land forces under general Tollemache, an officer of approved courage and reputation, sailed from St. Helen's, and came to anchor between Camaret and Bertheaume bays, lying on each side the entrance into Brest water, on the evening of the 7th. The defence of this important place had been committed to the famous M. Vauban, who, previous to the arrival of the English armament, had written to the king of France, "that his majesty needed to be under no apprehension; that he had made all the subterraneous passages under the castle bomb-proof; that he had placed 90 mortars and 300 pieces of cannon in proper places; that all the ships were out of the reach of the enemy's bombs, and all the troops in good order; that there were 300 bombardiers in the place, 300 gentlemen, 4000 men regular troops, and a regiment of dragoons just arrived."

After a bold but ineffectual endeavour to silence the castle and forts which guarded the entrance into the harbor, general Tollemache made a desperate attempt, to effect a landing with the troops in a small bay flanked to the right and left with cannon and entrenchments within half-musket shot of the water. No sooner had they gained the shore, but they were received so warmly by the French as to compel them to a precipitate and disorderly retreat to the boats; and it being now tide of ebb, they could not clear themselves from the ooze in which they were bedded; and the greater part of the troops which had landed were either miserably slaughtered, or obliged to beg for quarter. General Tollemache, after displaying heroic valor, received a wound which proved mortal; and the whole armament returned immediately to England, perceiving with sensible chagrin that they had engaged in an enterprise above their strength. General Tollemache, who survived some days, declared, "that he felt no regret at losing his life in the performance of his duty, but that it was a great grief to him to have been betrayed." From whatever evidence he might form

this conclusion; certain it is that his belief of treachery was but too well founded. On the 3d of May preceding, the earl of Marlborough had transmitted through the hands of colonel Sackville a letter to king James, communicating the whole design of this expedition, which the colonel in his dispatch to the earl of Melfort, then occupying no ostensible office at the court of St. Germain's, desired for the love of God might be kept a secret even from lord Middleton." "It is only to-day," lord Marlborough declares, "I have learned the news I now write you; which is, that the bomb-ketches, and the twelve regiments encamped at Portsmouth, with the two regiments of marines, all commanded by Tollemache, are destined for burning the harbor of Brest, and destroying all the men of war which are there. This will be a great advantage to England; but no consideration can prevent, or ever shall prevent me from informing you of all that I believe to be for your service: therefore, you may make your own use of this intelligence, which you may depend upon being exactly true. But I must conjure you, for your own interest, to let no one know but the queen and the bearer of this letter. — I have endeavored to learn this some time ago from admiral Ruffel; but he *always* denied it to me, though I am very sure that he knew the design for more than six weeks. This gives me a bad sign of this man's intentions. I shall be very well pleased to learn that this letter comes safe to your hands."

In order to remove the public depression occasioned by this disaster, lord Berkeley had orders to stretch over to the coast of France, and use every means in his power, consistent with the laws of war, for the annoyance of the enemy. Agreeably to his instructions, therefore, he sailed first to Dieppe, and threw a prodigious number of bombs and carcases into the place, so that the town was in a manner ruined and destroyed. From Dieppe the fleet directed its course towards Havre-de-Grace, which met with nearly the

the same fate. They then attempted Dunkirk and Calais; but the whole country being by this time alarmed, and prepared for defence, these attacks were attended with very imperfect success. A general consternation however was excited, and some retaliation made for the horrid excesses committed by the French on the banks of the Rhine; which indeed was the only justifiable motive that could be assigned for so barbarous a mode of waging war.

The honor of the British flag was much more effectually maintained during this summer by admiral Ruffel, who rode triumphant in the Mediterranean: and, after relieving Barcelona, and driving the French fleet into their ports, he received orders from England to winter with his whole fleet at Cadiz. On the appearance of this vast armament, consisting of sixty ships of the line, in the Mediterranean, the Italian powers of Venice and Tuscany thought proper to acknowledge the title of the king, which they had hitherto evaded: and the duke of Savoy in all probability was prevented from concluding a separate treaty with France.

On the 9th of November, 1694, the king landed at Margate, and was met by the queen at Rochester. Their progress to the metropolis was every where attended with loud acclamations. On the 12th, the session of parliament was opened; and the king in his speech congratulated the house on the favorable posture of affairs by sea and land; and earnestly recommended to the commons to provide such supplies as might enable him to prosecute the war with vigor. Loyal addresses were returned, and supplies to the amount of five millions, at that time considered as an immense sum, readily granted. But with the Supply Bills, the Bill for the frequent meeting and calling of parliaments kept pace. It was prepared by order of the commons, and brought in by Mr. Harley, a member of the House, now rising to great parliamentary eminence, on the 22d of November, and, in a few days passing the house, was sent up to the lords, who gave it their concurrence without any amendment; four days

days after which, December the 22d, the king, sensible of the impropriety of longer resisting the national will on this favorite point, gave it the royal assent. It enacted, that a new parliament should be called every third year, and that the present parliament should be dissolved before the 25th of March, 1696. This act was received by the nation with great joy, as the most satisfactory security ever yet obtained for the perpetuation of their rights and liberties. But unhappily, in the earnestness of their zeal for the acquisition of one great constitutional point, they entirely overlooked another; and it was not considered that the purity and equality of the national representation were of no less importance than the term of its duration—an oversight which the succeeding generations have had reason bitterly to lament, and which the most strenuous efforts of patriotism have not yet been able to repair.

At this period the church of England sustained a great loss, in the sudden death of its metropolitan, archbishop Tillotson, a prelate, who in a very difficult and critical situation had conducted himself with great wisdom, temper and moderation. He had a clear head, with a tender and compassionate heart; and, like his celebrated predecessor Cranmer, was a faithful and zealous friend, but a gentle, generous, and placable adversary. He was succeeded in his high office by Dr. Tennison bishop of Lincoln, a man highly respectable for understanding, piety and candor. Sancroft, the deprived metropolitan, had died some months before Tillotson—greater in his village retirement of Scarding, than on his archiepiscopal throne, which he appeared in the times in which he lived but ill qualified to fill. Though he could never conscientiously take the oaths to the new government, he discovered nothing of a factious or seditious spirit, and abstained from whatever had a tendency to violate the public peace. In a conference which during his last illness we are told he held with one of his conforming chaplains, it seems evident that he died in charity with all
men.

men. "You and I," said the dying prelate, "have gone different ways in these late affairs; but I trust heaven's gates are wide enough to receive us both. What I have done, I have done in the integrity of my heart—indeed in the great integrity of my heart."

But the nation was destined at this period to feel another and yet heavier loss. In December the queen was attacked with what appeared a transient indisposition, from which she soon in a great degree recovered. But the disorder returning with more serious symptoms, the physicians of the household were called in, who pronounced it to be the measles; and very improper remedies were applied, for it was soon ascertained to be the small-pox of the confluent and most malignant sort. She probably thought herself in danger from the first, as in an early stage of the illness she shut herself up in her closet for many hours, and, burning many papers, put the rest in order. The new archbishop attended her; and when no hope of recovery remained, he, with the king's approbation, communicated to her the true state of her condition. She received the intelligence with the most perfect composure, and said, "she thanked God she had always carried this in her mind, that nothing was to be left to the last hour—she had nothing then to do but to look up to God and submit to his will;" and continued to the last uniformly calm and resigned. She gave orders to look carefully for a small escritoire, to be delivered to the king. The day before she died she received the sacrament—all the bishops who were attending being admitted to receive it with her; after which she had her last interview with the king, to whom she addressed a few broken sentences imperfectly understood. Cordials were administered, but in vain. She lay silent for some hours, and from a few words which then dropped from her lips it was perceived that her thoughts were wandering. In conclusion, she died on the 28th of December, 1694, about one in the morning, in the thirty-third year of her age and sixth of her

her reign. She was buried at Westminster with unusual honors, both houses of parliament assisting at the solemnity; and her memory was consecrated by the tears of the Nation. All distinctions of party seemed for a moment to be forgotten and absorbed in one general sentiment of affectionate and grateful admiration.* The king was justly inconsolable for her loss. During her illness he had given way to the most passionate bursts of grief: and after her death he seemed for many weeks and months plunged into the deepest melancholy. The necessity of attending to the great affairs of government at length roused him in some measure from his lethargy; and he gradually recovered his composure of mind: but to the last moments of his life he retained the fondest and tenderest affection for her memory.

The misunderstanding between the king and queen and the prince and princess of Denmark had arisen to a great height; but during the illness of the queen the princess had requested to be permitted to visit her. This was civilly declined, the physicians deeming it not advisable; but a forgiving message was sent by the queen to the princess, and after her decease a reconciliation was effected between the king and the princess, through the sole intervention of the earl of Sunderland.† By his advice a letter of respectful condolence was written to his majesty by the princess, who was again received at court, and treated with great demonstrations of regard.‡ The king appropriated the palace of St. James's for

* Yet such is the tendency of faction to debase and brutalize the mind, that a certain non-juring clergyman was capable of insulting the memory of this accomplished princess, by preaching, on the occasion of her funeral, on the following remarkable text: "Go now see this accursed woman and bury her, for she is a king's daughter."

† Vide duchess of Marlborough's account.

‡ The letter was expressed in the following handsome terms: "SIR, I beg your majesty's favourable acceptance of my sincere and hearty sorrow for your great affliction in the loss of the queen; and I do assure your majesty I am as sensibly touched with this sad misfortune as if I had never been so unhappy as to have fallen into her displeasure. It is my earnest desire your majesty

for her residence, and presented her with the greater part of the queen's jewels—but a mutual jealousy and dislike subsisted under these exteriors of friendship and esteem.

On the demise of the queen, a very perplexing question of law was started in the upper house by the lords Rochester and Nottingham, the chiefs of the tory party, who insisted that the parliament was dissolved in consequence of that event, the writs being issued in the joint names of the king and queen. The earl of Portland with indignation replied, "that this was a matter not fit to be mentioned, and much less debated"—in which sentiment the house seemed unanimously to concur; and the people at large, being satisfied with the provision made by the Triennial Act for

—majesty would give me leave to wait upon you as soon as it can be without inconvenience to you, and without danger of increasing your affliction, that I may have an opportunity myself, not only of repeating this, but of assuring your majesty of my real intention to omit no occasion of giving you constant proofs of my sincere respect and concern for your person and interest, as becomes, &c., your majesty's most affectionate sister and servant, ANNE." What appears most extraordinary in this reconciliation is, that lord Sunderland should have had the address to acquire for himself the merit of accomplishing it. By what arts of insinuation he ingratiated himself into the confidence of the princess, we are not informed; but certain it is, that she had at a former period expressed herself in very vehement and indignant terms respecting him.—In a letter addressed to her sister, the princess of Orange, a short time previous to the Revolution, she styles him "the subtlest workingest villain on the face of the earth." It is worthy of remark, that at this precise period we find lord Arran, in a dispatch to king James, dated March 13, 1695, thus expressing himself: "With regard to news, it is certain that the preparations that are made here for the Mediterranean are designed for attacking Toulon, if it is possible. It is lord Sunderland who has given me in charge to assure your majesty of this." M'Pherson, vol. i. p. 487. On comparing this intelligence with a letter from admiral Ruffel, to the earl of Galway, it appears strongly corroborated. The admiral desires his lordship "to let him know, whether there was a probability of doing any service with the fleet at the French ports; and particularly, if with our troops, and such strength as the duke of Savoy could add to them, they and the fleet together might not attempt even Toulon itself with hopes of success." This letter was communicated to his royal highness and the marquis Leganes, who were of opinion, "that not any thing could be done there."

for a speedy dissolution, disapproved the unseasonable suggestion of a legal scruple, which might be attended with such dangerous consequences.

In the course of public business, soon after Christmas, a petition was presented from the inhabitants of Royston, complaining of oppressive usage from the officers and soldiers of colonel Hastings's regiment quartered there, in exacting subsistence-money, &c. by a sort of coercion little short of military execution. The house, inflamed with this intelligence, set on foot an enquiry into the conduct of the colonels of regiments and army-agents, several of whom were committed to custody in consequence of a representation to the king, and Hastings was cashiered; also a proclamation issued against all such illegal and criminal practices.

This enquiry led to other investigations of a still more interesting nature; and it appeared that several of the leading members of the house had been guilty of receiving bribes to facilitate the passing of certain bills. A bill called the Orphans' Bill, brought into the house by the corporation of London, after several years' fruitless solicitation, it was remarked, had passed in the course of the last session without difficulty. On appointing a committee to examine the Chamberlain's books, the copy of an order was found for paying sir John Trevor, the SPEAKER of the HOUSE of COMMONS, one thousand guineas so soon as the said bill should be passed, with an intimation from Barret the city solicitor, that unless the said sum was given the bill would not pass. On receiving the report, the Speaker was reduced to the unparalleled mortification of putting the question, "that sir John Trevor, Speaker of this House, in receiving a gratuity of one thousand guineas from the city of London, after passing the Orphans' Bill, is guilty of an high crime and misdemeanor." This being carried in the affirmative, the Speaker thought it expedient to abdicate the chair, and was immediately expelled by an unanimous vote of the house, and Paul Foley, esq. chosen Speaker in his room. Mr. Hungerford, chairman of the committee on the Orphans' Bill, having also
been

been proved guilty of corruption, was in like manner expelled the house.

But the investigations of the house did not terminate here. The same committee being empowered to examine the books and accounts of the East India company; it appeared on inspection, that whereas the sums issued for special or secret service did not in the year 1688 amount to more 1284*l.* and in the two following years to more than 2096*l.* and 3056*l.*—in the last year 1693 it rose to 167,000*l.* Sir Thomas Cooke, a member of the house, having been governor of the company during the last year, was called upon to declare in what manner this money had been expended. Cooke, refusing to answer, was committed to the Tower; and a Bill of Pains and Penalties brought in, obliging him to discover how the sum mentioned in the report of the committee had been distributed. This bill was vehemently opposed by the duke of Leeds in the house of lords, as contrary to law and equity; and furnishing a precedent of a most dangerous nature. The warmth of the lord-president only tended to create farther suspicion, especially as his grace was loud and earnest in the protestations of his own innocence, although no accusation had been exhibited against him. The bill ultimately passed, with a clause indemnifying Cooke from any offence committed by him in the distribution of the money in question; on which Cooke delivered in a statement of the various sums paid by him to various persons: amongst the rest, 40,000*l.* to Sir Basil Firebrace for favors and services done to the company. Sir Basil, being examined as to the nature of the services he had performed for the company, fell into great confusion and loss of memory—complained of illness, and requested that the examination might be deferred—said he had done the company service by his solicitations; but knew not of any money or stock given to any person whatsoever for procuring a new charter. On his re-examination he could now *recollect* that, in consequence of a treaty with Mr. Bates, whom

whom he thought able to do service in passing the charter, he had given him two notes for 5500 guineas—that Bates had acquaintance with several great lords, particularly the LORD PRESIDENT, to whom he, i. e. Firebrace, had free access *after the notes were given*; and found him easy and willing to grant the company his assistance respecting the renewal of the charter. Sir Basil farther said, that having at the first intimated to Bates that a present of 2000 or 3000*l.* might be made for the service required; Bates replied, that more than this had been offered by the other side. Sir Basil at last consented to give 5000 guineas: on which Bates said, “this was nothing to HIM; he ought not to be employed for nothing”—on which an addition of 500 guineas was made to the 5000: and finally, that, about a week ago, Bates desired to return the 5000 guineas, saying it might make a noise—the 500 still remaining in his hands.” Bates, being summoned, deposed, that Firebrace had applied to him for his interest, saying, that the company would be very grateful for it—that he did accordingly use his interest with the lord president, who said he would do what service he could, agreeably to the opinion he had delivered in public, viz. that the charter ought to be confirmed—that he did receive the notes in question—that he told the lord president of it, and would have *passed* them upon him; but his grace refused them—that counter-notes were given, making the payment of the money wholly dependent on the renewal of the charter—that the money, when paid, was lodged in the hands of a foreign domestic of the lord president, monsieur Robart, where it had remained till he had returned the present to sir Basil, from the apprehension of the noise it might make—and that the whole was to be applied to his own private use.” This account was corroborated by the lord president in a vindictory speech delivered in his place as a lord of parliament; when his grace, receiving notice that the commons were proceeding to a vote of impeachment against him, abruptly broke

broke off, and, presenting himself at the door of the lower house, caused the house to be informed that he desired to be heard in his own defence. He was accordingly admitted, and complimented with a chair within the bar, and leave to be covered. Then rising with his hat off, he "thanked them for the favor they had granted, and expressed his impatience to justify himself from whatever might appear to deserve the censure of that house. His grace then assumed a very lofty tone, ill suited to the occasion, and declared it to be a bold word indeed, but a truth, that the house would not have been sitting at this time but for him.—That he had been formerly pursued for being in the French interest, but that he hoped all the actions of his life would justify him from the charges brought against him.—As to the present matter, it was true Firebrace had been introduced to him—but that, upon his faith and honor, he had neither directly nor indirectly touched one penny of the money; nor did he think Bates was a man to be concerned in an ill thing. He insinuated that a design had been framed against him, previous to the naming the committee—that relative to this business he had a thread which he hoped to spin finer still. That he asked nothing but justice, but he trusted that no severe sense would be put on what would bear a candid one.—He trusted that the house would reconsider this matter; and, if they were determined to proceed, he hoped it would be speedily; for that he would rather want counsel, want time, want any thing, than lie under their displeasure.—And he prayed that he might not suffer upon a rack, or under a blast, till a parliament should sit again; but that he might have speedy justice." The duke being withdrawn, it was remarked by his enemies in the house, that speedy justice was indeed to be wished; and that if any malicious contrivance against him could be traced by the means of any such clue as his grace boasted to have in his possession, he would no doubt be cleared by his peers, who were the proper judges of the merits or demerits of the charge. The

house.

house then resolved, 1st, that the Impeachment should be immediately carried up to their lordships' bar by Mr. Comptroller Wharton, &c. And 2^{dly}, that the committee do forthwith draw up Articles of Impeachment in due and regular form. In a few days the Articles were reported to the house, and, being agreed to, were engrossed and sent up to the lords: charging the duke of Leeds with "high crimes and misdemeanors, in that, being president of the council, and sworn to give their majesties true and faithful advice, he had, contrary to his oath, office, and duty, &c. contracted and agreed with certain merchants trading to the East Indies, to procure a Charter of Confirmation, &c. for the sum of 5500 guineas." During this interval Robert, in whose hands the money had been deposited, thought it expedient to abscond; and the duke of Leeds, knowing the evidence to be now incomplete, urged anew the immediate prosecution of the Impeachment, and talked in high terms of the hardship and injustice of delay. He moved the house of peers, that, if the house of commons did not reply to the answer he had put in, that the Impeachment might be discharged; otherwise he might lie under the reproach of it all his life. The commons, confounded at this incident, acknowledged that the withdrawalment of M. Robert since the Impeachment was drawn up was the reason why they were not in readiness to make it good. His grace the lord president then, exclaiming in severe terms against the commons for doing such an unheard-of and unprecedented thing, as to charge a man with crimes before they had all the evidence to make it good, informed the house, that from a letter left by Robert, from the temper of the man, and from a particular knowledge he had both of him and the thing, he would not be seen here again in haste. "So," said his grace, "if this man be insisted upon as a material evidence, and that my trial is to be delayed till he is forthcoming, when am I likely to be tried?"—And he concluded with again urging that the Impeachment shall fall, if not
immediately

immediately proceeded upon. A prorogation of parliament taking place at this precise juncture, and in the midst of these proceedings, the enquiry, though not formally, was virtually relinquished; but the most disgraceful imputations adhered from this time to his grace's character. It ought at the same time to be recorded, to the honor of the earls of Portland and Nottingham, that it appeared from the report of the committee, that these noblemen refused with indignation the presents or bribes severally offered them from the same quarter, and for the obtainment of the same object.

Notwithstanding the stigma thus indelibly affixed to the duke of Leeds, he still continued, little to the satisfaction of the public, at the head of the council. His name, however, was not to be found amongst the lords of the Regency appointed by the king on his departure for the Continent. These consisted of the archbishop of Canterbury, the lord-keeper Somers, the lord-privy-seal Pembroke, the lord-steward Devonshire, the lord-chamberlain Dorset, the secretary of state Shrewsbury, and the first lord of the treasury Godolphin.

About this time sir John Trenchard, secretary of state, removed from his office by the mighty mandate of Death, was succeeded by sir William Trumbull, a man formed very much upon the model of sir William Temple; and who, like him and a few others, had been employed in the conduct of affairs previous to the Revolution, with honor to himself and advantage to the public. Being envoy in France when the edict of Nantz was repealed, he acted a most humane and worthy part in assisting the protestants to escape with their property from the rage of persecution. From Paris he was sent to Turkey, and resided several years at Constantinople with great credit and ability.

In the present spring (1695) a session of parliament was held in Scotland—the marquis of Tweeddale being high commissioner. During the course of it, a severe inquisition was made into the affair of Glencoe, and heavy censures passed

passed on the master of Stair and the other principal actors in that dismal tragedy, and prosecutions ordered to be instituted against them. But it does not appear that the examples made were so signally conspicuous, as might have been wished and expected. And it seems probable, that the king, perceiving the quiet which had prevailed in the Highlands from that period, had, with the characteristic indifference of a soldier, harbored the opinion that the military execution of Glencoe, though attended with circumstances of culpable barbarity, was in itself justifiable, as calculated to produce effects permanently beneficial.

But this session of parliament was chiefly remarkable for an Act to establish a Company, by the name of the Company of Scotland, trading to Africa and the Indies. This company, in which almost the whole commercial strength of Scotland was comprehended, were authorized to freight their own or hired ships for ten years from any of the ports or places in that kingdom, or from any other ports or places in amity with his majesty, to any lands, islands, &c. in Asia, Africa, or America; and there to plant colonies, hold cities, towns or forts, in or upon the places *not inhabited or possessed* by any European sovereign or state: with an exclusive right against all persons not of the said company—provided that all the ships so freighted should make their returns to Scotland, on pain of confiscation. And an exemption from all impositions, duties, and taxes was granted to the company for the term of twenty-one years. This very important act, which was passed by the lord commissioner under the general instructions he had received for passing such laws as might tend to the encouragement of trade, excited in Scotland the most eager and flattering hopes, and in England the most alarming jealousies and apprehensions; and it was in the sequel productive of very serious consequences. In the course of the session the earl of Breadalbane, who with the master of Stair were universally accounted the original contrivers of the massacre of

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of Glouccer, was brought to the bar of the parliament to answer to a charge of high treason; it being proved upon him, that in treating with the Highland chiefs he had professed his adherence to the interest of king James, &c. But he alleged that he had secret orders from king William to say any thing that would give him credit with them.—That he had acted with the permission, at least, of the king, cannot be doubted; and a remote day being fixed for his trial, in the interim the parliament was prorogued, and a pardon granted him.—Of this nobleman it was said, “that he was as subtile as a serpent, and as slippery as an eel; that he had no attachment of any kind but to his own interest; that he was not only jacobite and williamite by turns, but both at once; and that he played this double part with so much success in the Highland treaty, that he received the thanks of king James for having preserved his people whom he could not succor; and was rewarded by king William for having reconciled to his government those desperadoes whom he found it so difficult to subdue.”

The first session of a new parliament was held this year (1695) in Ireland, by lord Capel, now advanced to the dignity of lord-deputy; in which affairs were conducted, through the prudence and moderation of the new governor, with unanimity and dispatch; and many judicious laws enacted for the settlement of that unhappy and distracted country. At the termination of the session, the commons of Ireland transmitted an address to the king, in which they thus express themselves: “And we must ever acknowledge to your majesty the great benefit we do, and our posterity shall receive by those inestimable laws given us by your majesty in this session of parliament, held under your majesty’s deputy, and our excellent governor, the lord Capel; whereby not only our religion and legal rights are confirmed to us, but this your majesty’s kingdom of Ireland is firmly secured to the Imperial crown of England.” Amongst the

laws alluded to, was an Act for abolishing the Writs de Hæretico Comburendo; an Act declaring all Attainders and all other Acts in the late pretended parliament held by king James null and void; an Act for disarming Papists; an Act to restrain Foreign Education, and an Act for the better settling Intestates' Estates.

BOOK

BOOK III.

Death of the duc de Luxemburg. Campaign in Flanders, 1695. Namur captured by king William. Campaign on the Rhine, in Italy, Spain, and Hungary. Parliament dissolved. Whig Interest obtains the ascendancy. Treason Bill. Recoinage of Silver. Extravagant grant to the earl of Portland. Remonstrance against the Scottish India Company. Dangerous project for the establishment of a Council of Trade. Assassination Plot. National Association. Execution of Charnock, Friend, and Perkins. Great naval exertions. Campaign in Flanders, &c. 1696. Defection of the duke of Savoy. Conquest of Asoph by the Russians. State of affairs in Scotland—and Ireland. Session of parliament. Magnanimous conduct of the commons. Novel operations of Finance. Freedom of the Press in danger. Fenwick's Bill of Attainder. Arguments for and against it. Negotiations relative to peace. Congress opened at Ryswick. Campaign in Flanders, 1697. Barcelona taken by the French. Victory over the Turks at Zenta. Death of Sobieski. Treaty of Ryswick signed. Session of parliament. Vote of the house of commons for disbanding the army. Resignation of lord Sunderland. Affairs of the East India Company. Arbitrary and oppressive measures embraced respecting Ireland. Theological Disputes. Impolitic interference of parliament. Advancement of lord Albemarle. Earl of Portland's embassy to Paris. Czar of Muscovy visits England. Affairs of Scotland—and of Ireland. Projects of the king of England. First Treaty of Partition. Reflections upon it. Peace of Carlowitz.

HAVING reviewed the state of affairs in the British dominions at this period, it will now be proper to advert to the military operations carrying on upon the Continent. Early in the present year died Francis de Montmorenci duke of Luxemburg; who ranks, by universal acknowledgment, amongst the greatest generals of the age. The king of France publicly declared, that a greater loss could not have befallen him. After some hesitation, the *maréchal duc de Villeroy* was appointed his successor; *M. de Boufflers* commanding a separate and secondary army under him.

It being the general expectation that the allies would exert themselves with redoubled vigor this campaign, a new line was drawn for the protection of French Flanders from the Lys to the Scheld, where the storm was supposed most likely to fall: and *M. Villeroy* was restrained to act strictly on the defensive. The king of England, having put himself at the head of the allied army, advanced by rapid marches to the French lines, as if with a determination to risk an attack; and, to maintain the deception, an attempt was actually made on Fort Knoque. Perceiving that the feint succeeded, and that all the French forces were drawn within the lines, the king dispatched orders to the earl of Athlone, who commanded a separate army on the side of the Maese, to invest the city of Namur. This service was performed with success, though by reason of the difficulty of the ground, and the vast extent of the circumvallation, it was not possible to prevent *M. de Boufflers* from throwing himself into the place with a strong reinforcement; so that the garrison now amounted to fifteen thousand men. And great additions under *M. Vauban* having been made to the fortifications, it was considered by the French as impregnable; they had even the vanity to place over one of the gates of Namur the inscription, "*Reddi quidem, sed vinci non potest.*" And this attempt was spoken of as an instance of unparalleled temerity.

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The king of England, having marched back his army to Roufelaar, left the command to the prince de Vaudemont ; and at the head of a grand division of the troops joined the elector of Bavaria and the earl of Athlone, and took the command of the covering army before Namur. The season, far from being remarkably rainy, as was the case in 1692, was now so dry that the convoys of provision and ammunition could not be sent up the Sambre and Maese for want of water. The main body of the forces late under the separate command of M. Boufflers having joined M. Villeroi, that general was expected to march to the relief of the besieged. But the prince of Vaudemont being posted in an exposed situation three leagues only from the French camp, he determined first to attack and destroy this inferior enemy, and then to proceed on his expedition to Namur. The presumption of the prince de Vaudemont in choosing so indefensible a position has incurred the severe censure of that great military critic M. de Feuquieres ; who at the same time remarks of M. de Villeroi, "that he was as blind as Fortune herself, who had so undeservedly bestowed this opportunity upon him." For when the enemy was thus evidently in his power, the marshal resolved, in opposition to all the instances that could be made to the contrary, to defer the attack till the next day. But the prince, sensible of his danger, made in the mean time admirable dispositions for a retreat. He posted his cavalry in a manner so artful as to conceal the complicated manœuvres of the infantry ; and a grand movement taking place with the utmost exactness and regularity, the French with amazement saw a whole army vanish as it were from before their eyes at once. Towards the close of the evening, the prince reached the plain of Oyendonck, where he designed to have taken post ; but, recollecting, as he afterwards said, a maxim of the great duke of Lorraine, "that, when an army is retreating, it must be sure to retreat beyond the enemy's reach," he continued his march all the night, after refreshing

freshing his troops, and by nine in the morning found himself perfectly safe under the walls of Ghent,

This retreat was extremely admired and celebrated by all military judges ; and the king of England wrote with his own hand a letter to the prince, in which he compliments him by saying, “ that it demonstrated more consummate skill in the art of war than if he had won a battle.” The marechal was compelled to content himself with the capture of the petty fortresses of Dixmuyde and Deynse, which he dismantled, and detained the garrison contrary to the conditions of the cartel established between the belligerent powers.

In the mean time the siege of Namur was carried on with the greatest vigor and success, under the direction of the celebrated Coehorn. The allied generals seemed to feel that they had no longer a Luxemburg to contend against, and exerted themselves with unusual activity and perseverance. The king and the elector inspired courage in every breast, by sharing the toils and dangers of the siege equally with the men whom they commanded. On the storming the first counterescarp, the king remained exposed to the trenches a considerable time to a very hot cannonade from the enemy ; which killed several persons about him, and amongst the rest Mr. Godfrey, deputy-governor of the bank, who came over to establish certain regulations relative to the army remittances ; and was curious to see something of the nature of military attacks.* On the 4th of August (1695), the town was surrendered by count de Guiscard, on condition of being allowed to withdraw the garrison into the castle. M. Villeroi now advanced with his forces, as if determined to attempt the relief of the castle : but on a sudden he
defiled

* The following conversation is said to have passed between the king and Mr. Godfrey, a very few minutes before the cannon-ball came which deprived the latter of his life. KING. “ As you are no adventurer in the trade of war, Mr. Godfrey, I think you should not expose yourself to the hazards of it.” GODFREY. “ Not being more exposed than your majesty, should I be excusable if I shewed more concern ?” KING. “ Yes : I am in my duty, and therefore have a more reasonable claim to preservation.”

desfiled with his whole army towards Bruffels, at that time the residence of the electress of Bavaria, to whom a polite message was sent by the marechal, that he had orders to bombard the place, but would spare the quarter where she had her abode. This terrible menace was immediately put in execution; above two thousand bombs and a prodigious number of red-hot shot were thrown into the place, a great part of which was in consequence laid in ruins. This was said to be a retaliation upon the English for the bombardment of the French maritime towns. Regardless of this barbarism, the siege of the castle of Namur was continued with unabating vigor; and M. Boufflers, fearing a speedy surrender, and dreading the disgrace of a capitulation, formed a desperate attempt to break through the allied camp with his cavalry, but was prevented by the vigilance of the king. On the 21st of August the batteries opened with a general discharge from one hundred and sixty-six pieces of cannon and sixty mortars; so that the very hill on which the castle is situated seemed, according to the strong expression used on this occasion, "to reel with the violence of the shock." On the 28th of August M. Villeroi, having received a great reinforcement from the Rhine, took post at Gemblours, and drew out his army in battalia as near the allies as the ground would permit. On the other hand the king quitted his lines, and made every disposition to receive his attack. But in the night the marechal decamped, and retreated along the banks of the Mehaigne. A general assault was made on the castle the day succeeding this retreat; and, after a dreadful carnage on both sides, a lodgement was made near an English mile in extent. Propositions being in a few days in forwardness for a second assault, the governor, count de Guiscard, desired to speak with the elector; and an offer was made to surrender the Coehorn fort. But the elector refusing to treat for less than the whole, M. de Boufflers consented to a capitulation—terms the most honorable being granted to the garrison. The king of Great Britain had therefore

therefore the honor of taking in seven weeks one of the strongest fortresses in Europe, defended by a marshal of France, in sight of an army of one hundred thousand men commanded by another marshal of France. This was justly accounted the most glorious of all the warlike exploits of this martial and heroic monarch.* On the marching out of

* The celebrated PRIOR, who in his various attempts at the more elevated and sublime poetry is uniformly unfortunate, but who traverses with ease and grace the lighter and gayer walks of Parnassus, has ridiculed with exquisite humor the pompous Ode of BOILEAU on the taking of Namur, three years before this period; and has celebrated this achievement of King William in a very agreeable strain of pleasantry. Boileau, in his ostentatious performance, had said:

Mais qui fait s'enfuir la Sambre ?
Sous les Jumeaux effrayés,
Des froids torrens de Décembre
Les champs partout sont noyés.
Ceres s'enfuit, éplorée
De voir en proie à Borée
Ses gâteaux d'épice changés,
Et sous les urnes sangueuses
Des Hyades orangées
Tous ses trésors submergés !

Déployez toutes vos rages,
Princes, vents, peuples, frimats;
Ramassez tous vos nuages :
Rassemblez tous vos soldats !
Malgré vous Namur en poudre
S'en va tomber sous la foudre
Qui domta Lille, Courtray,
Gand la superbe Espagnole,
Saint-Omer, Besançon, Dole,
Ypres, Mastricht, et Cambray !

Thus happily parodied by the English Poet :

Will no kind flood, no friendly rain
Disguise the Marshal's plain disgrace ?
No torrents swell the low Meuse ?
The world will say he durst not pass,

Why

of the garrison, marechal Boufflers was arrested, by way of reprisal for the detention of the garrisons of Dixmuyde and Deynse. He appeared at first much incensed, and declared that the king his master would revenge the affront. But he was told, that, far from intending any personal affront, it was the highest compliment to detain him, as alone equivalent to the thousands included in the captive garrisons. The arrest of Boufflers being made known to the French court, orders were dispatched for the instant release of the garrisons; and the marechal, on his return to Versailles, was received with distinguished marks of esteem and regard. Satisfied with the success already gained, the king left the command of the army to the elector of Bavaria, and forgot the cares of royalty for a few weeks, after such exertions not ingloriously passed, at the beautiful retirement of Loo.

The campaign on the Rhine, where the opposite armies were again commanded by the marechal de Lorges and the prince

Why will no Hyades appear,
Dear Poet, on the banks of Sambre,
Just as they did that mighty year
When they turn'd June into December?
The Water-nymphs are too unkind
To Villeroi—Are the Land-nymphs so?
And fly they all at once combin'd
To shame a General and a Beau?

Truth, justice, sense, religion, fame
May join to finish William's story:
Nations set free may bless his name,
And France in secret own his glory;
But Ypres, Maestricht, and Cambray,
Besançon, Ghent, St. Omer, Lille,
Courtray and Dole!—Ye critics, say,
How poor to this was Pindar's style?
With *slow* and *alloy* tack thy strain,
Great Bard! and sing the deathless Prince
Who lost Namur the same campaign
He bought Dixmuyde, and plundered Deynse.

prince of Baden, was distinguished only by inaction and insignificance. In Italy, the duke of Savoy recovered the important fortress of Casal, with so little show of resistance on the part of the French, as to furnish an additional proof of the secret understanding supposed to subsist between the courts of Turin and Versailles. By the terms of the capitulation, Casal was to be restored to its rightful proprietor, the duke of Mantua.

The war in Spain, also, was feebly prosecuted. The king of France was impatient for peace, and contented himself with acting every where on the defensive. The siege of Barcelona was rendered impracticable by the superiority of the British fleet, which, under the command of admiral Ruffel, still gave law to the Mediterranean. And to have ventured farther into the interior provinces beyond the Catalan frontier, would have required exertions which the French court were not prepared to make. On the contrary, orders were sent to abandon Palamos and the whole tract of country in their possession beyond Gironne.

The maritime powers were not yet able to succeed in their favorite design of effecting a peace between the Imperialists and the Turks. Lord Paget, ambassador from England, had arrived at Adrianople in the beginning of February, 1695, with full instructions relative to a pacification; but was informed that the death of the grand seignor Achmet II. had just taken place. He was succeeded by his nephew Mustapha II. son of the deposed emperor Mahomet IV. who declared his resolution to take the field in person, and restore the glory of the Ottoman arms. In effect, the campaign was carried on vigorously on the part of the Turks, and very feebly on that of the Germans, who had expected no such extraordinary exertion. The command in Hungary was this year conferred on the elector of Saxony, accompanied by general Caprara. But before the Imperial army was completely formed, and even before the Saxon troops had arrived, the whole Ottoman army had
passed

passed the Danube, and reduced the fortresses of Lippa and Titul, which they demolished and abandoned. The elector, putting at length his army in motion towards the enemy, was informed in his march, that the Turks had fallen with a prodigious superiority of numbers upon general Veterani, who commanded in Transylvania; and, after a very long and brave resistance, the general himself being mortally wounded, forced his camp, and cut to pieces the greater part of the troops. The town of Caransebes was then seized upon and demolished. After these exploits, the grand seignor repassed the Danube; and the Imperialists were unable, during the remainder of the campaign, to obtain any advantage which might serve as an equivalent for these severe and repeated losses.

In the beginning of the summer, a considerable naval force under lord Berkeley, joined by a Dutch squadron under admiral Allemonde, was employed, though with little effect, in the odious service of bombarding the maritime places of Dunkirk, Calais and St. Malo. But they had the satisfaction of totally destroying the neighboring town of Grandval, which was less prepared for defence. These repeated outrages furnished but too just a pretext for the bombardment of Brussels, as a just and necessary retaliation on the part of the French—and it seems to have answered the purpose intended. The event proved, that the ships thus employed in the destruction of the property of the enemy would have been more beneficially engaged in the protection of our own: for the trade of the kingdom suffered greatly during the summer from the depredations of the French privateers; many merchant vessels from Barbadoes and the neighboring islands, and no less than five East India-men, valued at a million sterling, having fallen into their hands, to the equal wonder and discontent of the commercial world; the English fleets being now every where masters of the sea.

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The king returned to England early in October, 1695, and was received as a conqueror with great and universal acclamation. A resolution was taken in council forthwith to dissolve the parliament, which might yet have sat another session. During the election, the king made a progress to the North; and partook, as before, of the diversions of the turf at Newmarket, where he received the compliments of the university of Cambridge. Having staid there three days, he went on the 21st to Althorp, a seat of the earl of Sunderland, who was now publicly known to be in high credit with the king. From Althorp he proceeded to Castle-Ashby and Boughton, the mansions of the earls of Northampton and Montague; thence to Burghley, Welbeck, Warwick Castle, and Woodstock. From this place he repaired on the 9th of November to Oxford, and was waited on by the duke of Ormond, chancellor of the university, and the heads of colleges, professors, &c. in their formalities; the conduit at Carfax running all the time with wine. And so much gratified was the university with his majesty's condescensions, and so well reconciled to his government at this period, that sir William Trumbull, the new secretary, was chosen to represent them in parliament.

Throughout the kingdom the whig interest prevailed in the new elections; and at the meeting of the new parliament, November 22d, 1695, the king expressed in his opening speech his entire satisfaction at the choice which his people had made. Mr. Foley was again placed in the Speaker's chair; and the two houses, in their addresses to the throne, congratulated the glorious success of his majesty's arms; and engaged effectually to assist him in the prosecution of the war, which they confirmed by voting very large and liberal supplies.

Four days after the meeting of parliament, a bill, which had been formerly offered and rejected, for regulating trials in cases of high treason, was once more brought into the house by the tories. The design of it, according to bishop Burnet,

Burnet, seemed to be to make men as safe in all treasonable conspiracies and practices as possible ; it being enacted, " that all persons indicted for high treason, or misprision of treason, shall have a copy of the whole indictment five days, and of the panel of the jurors two days, at least, before the trial ; that they shall be permitted the assistance of counsel ; that they shall not be convicted but upon the oaths of two witnesses, joining to evidence some overt act ; that the indictment be found within three years after the offence be committed ; that no evidence be admitted of any overt act not expressly laid in the indictment ; that they shall have like process to compel their witnesses to appear for them, as is usually granted to witnesses against them ; and that they be allowed peremptorily to challenge thirty-five of the jury." The whigs, in common with the court, loth openly and directly to oppose so equitable and popular a measure, were contented to argue, that the security of the subject was best provided for when the best provision was made for the security of the government. And that, therefore, the law ought to continue on its antient footing, at least till the war should be brought to a conclusion. Amongst those who rose in support of this bill was lord Ashley, grandson of the great earl of Shaftesbury, and pupil of the famous LOCKE ; at this time little known, but at a latter period of his life universally admired and celebrated as the author of " The Characteristics." Although he had premeditated his speech, it so happened, that, struck with the august presence and deep attention of his auditory, he was disconcerted and unable to proceed. After a pause, recovering from his embarrassment, he converted, by the happiest and most brilliant effort of ingenuity, this incident, so common and trivial, into an argument in favor of the bill irresistibly powerful and impressive. " If I, sir," said he, addressing the Speaker, " who rise only to give my opinion on the bill now depending, and have no personal concern in the question, am so confounded that I am unable to find voice

voice or words to express the least portion of that which I proposed to say ; what must the condition of that man be, who without any assistance is pleading for his life, and suffering under the immediate apprehensions of being deprived of it ?” This sudden appeal to the heart operated more powerfully than the most labored eloquence. The bill passed in a tumult of applause ; and it was immediately transferred to the lords, who added to it a clause repeatedly rejected by the commons : “ that to the trial of a peer all the peers should be summoned.” Contrary, however, to the hopes of the court, the commons, rather than risk the bill, agreed to the amendment ; and the Act received the royal assent. The final success of this attempt, after the repeated failures of the patriots respecting this great point, confirmed anew the maxim of lord Coke, “ that seldom or ever any good bill or good motion, which had once been entered on the journals of the house, though it miscarried at first, was wholly lost to the nation.”

The ill state of the silver coinage, which had long been a subject of grievous complaint, was this session taken into the serious consideration of parliament. Such was the depreciation of the current coin, in consequence of the practice of *clipping* and other infamous frauds, that thirty shillings in the common course of exchange were equivalent only to one guinea. A resolution was therefore taken to call in and recoin the whole of the silver currency : and though confident predictions were hazarded of the evils that would ensue from the temporary suspension of the usual medium of commerce, the whole project was carried into speedy and successful execution, under the able and dexterous management of Mr. Montague, chancellor of the exchequer, who conducted himself in this difficult business entirely to the satisfaction of the parliament and of the public.

An affair of a very different nature was nearly, at the same time canvassed in parliament, which exposed the king to

to severe censure, and excited in his breast very sensible chagrin. The earl of Portland, a man highly and upon many accounts deservedly esteemed by the king, but of a disposition too prone to rapacity and avarice, had received repeated marks of the royal bounty—such as in the opinion of the nation at large were *at least* adequate to his services. This nobleman, to whom the king, indifferent himself to pecuniary concerns, knew not how to refuse any thing, had lately solicited and obtained from the crown a grant, to him and his heirs for ever, of the lordships of Denbigh, Bromfield and Yale, in the county of Denbigh. This was no sooner made known to the gentlemen of Wales residing in that vicinity, than they determined in the spirit of ancient Britons to resist it to the utmost of their power: and while the warrant was yet pending in the public offices, they petitioned the lords of the treasury for a hearing. This being complied with, sir William Williams, in the name of the rest, represented to the board, “that these lordships were part of the antient demesnes of the prince of Wales; and always considered by the Welsh nation as inalienable—that in the statute for granting of fee-farm rents, there was a particular exception of the Welsh rents—and it was added, that the salaries of the Welsh were payable out of the revenues in question.” Lord Godolphin having asked whether the earl of Leicester had not those lordships in grant to him in queen Elizabeth’s time; sir Robert Cotton answered, “that the earl of Leicester had a grant from the queen of the lordship of Denbigh only—that this was so much resented as to occasion an insurrection in the principality, for the part they took in which several of his family had capitally suffered; but that the earl had been compelled in the end to relinquish his grant.” Lord Godolphin, after giving the petitioners a patient and candid hearing, declared, “that they had offered weighty reasons for their opposition, and that he would not fail to represent them to his majesty.” The affair after this was suffered to lie several months dormant;

mant; but the grant not being formally revoked, the Dea-
highshire gentlemen resolved to petition parliament against
it; and Mr. Price, himself a member of the house of com-
mons, introduced the petition with a bold and energetic
speech, of which a very curious and ample report yet re-
mains. This gentleman, amongst a great variety of obser-
vations equally just and forcible, said, "that he would
gladly be informed from those who were better versed in
prerogative-learning than himself, whether his majesty *can*,
by the Bill of Rights, without the consent of parliament
alienate or give away the inheritance or absolute fee of the
crown lands. If he can, I would likewise know," said he,
"to what purpose was the crown settled for life, *with a
remainder in succession*, if the tenant for life can give away
that revenue which is incident to the crown.—Can the king
have a larger power of disposal over the revenue, than over
the crown to which it belongs?—Far be it from me to speak
in derogation of his majesty's honor—it cannot be expected
that *we* should know our laws who is a stranger to us, and
we to him—but it was the province and duty of ministers
to have acquainted the king of his power and interest—that
the antient revenue of the crown is sacred and unalienable
in time of war and the people's necessities. By the old law,
it is part of the coronation oath of the kings of England,
not to alien the antient patrimony of the crown without
consent of parliament. But as to those oaths of office, most
kings have court casuists enough about their persons to in-
form them that they have a prerogative to dispense with
those oaths, especially when their interest, as it generally
happens, goes along with their council. It has been the
peculiar care of parliaments in all ages to keep an even ba-
lance between king and people; and therefore, when the
crown was too liberal in its bounties, the parliament usually
refused those grants.—Kings have their failings as well
as other men; being clothed with frail nature, and apt to
yield to the importunities of their favorites and flatterers;
therefore

therefore it becomes necessary that the great council of the nation should interpose for the interest of king and people.— And whenever our princes entertained *foreigners* as their counsel or chief advisers, the people of England were restless and uneasy until they were removed out of the king's council; **NAY**, out of the kingdom. **WE** see most places of power and profit given to *foreigners*. We see the revenues of the crown daily given away to one or other, who make sale of them, and transmit their estates elsewhere. If these strangers find themselves involved in an opposition of interests; to whose interest are they most likely to adhere? I would have us to consider that we are Englishmen, and must like good patriots stand by our country, and not suffer it to become tributary to others—if we submit to see our properties given away, our liberties will soon follow.” Thrown into a flame by this speech, the house instantly agreed upon an address to the king, framed in very decisive terms, to recall his grant to the earl of Portland, which the king, not with a very good grace, engaged to do. He declared, “that he had a kindness for the earl of Portland which he had deserved by his long and faithful services—that he should not have given him those lands, if he had imagined the house of commons could have been concerned—he would therefore recall the grant, and find some other way of shewing his favor to him.” This was accordingly done; and in the month of May succeeding, a fresh grant was made to the earl of the manors of Grantham, Dracklow, Pevensey, East Greenwich, &c. &c. in the several counties of Lincoln, Chester, Suffex, and Kent, together with the honor of Penrith in the county of Cumberland. Of these extravagant donations the parliament did not think proper to take farther cognisance; but the best friends of the king lamented that he should expose himself to such unnecessary obloquy, for the sake of gratifying the insatiable claims of an haughty and rapacious favorite.

The discontent of the commons more conspicuously appeared in an affair of a nature much more important and national. The recent establishment of the Scottish commercial company with such extensive privileges and exemptions, excited in England both envy and apprehension. At a conference of the two houses, an address to the throne was agreed upon, which had the air rather of a remonstrance than a petition, representing, “that by reason of the great advantages granted to the Scots East India company, and the duties and difficulties to which that trade was subject in England, a great part of the stock and shipping of this nation would be carried thither. By this means Scotland might be made a free port for all East India commodities—and consequently those several places in Europe which were supplied from England would be furnished from Scotland much cheaper than could be done by the English.—And further, that when that nation should have settled themselves in plantations in America, the English commerce in tobacco, sugar, cotton, wool, skins, masts, &c. would be utterly lost, because the privileges of that nation granted to them by this act were such, that that kingdom must be the magazine for all commodities—and that by a clause in the said act, whereby his majesty promised to interpose his authority to have reparation made for any damage done to the ships and merchandize of the said company, his majesty did seem to engage to employ the shipping and strength at sea of this nation to support this new company, to the great detriment even of this kingdom.” To this address the king made answer, “that he had been ill served in Scotland, but he hoped some remedies might be found to prevent the inconveniences which might arise from this act.”

As a convincing proof of the king's sincerity in this business, the marquis of Tweeddale, high commissioner, and the two secretaries of state were indignantly dismissed from their offices, and the seals of secretary given to lord Murray, son of the marquis of Athol. This Scottish act of parliament

ment was a truly-unfortunate business, and boded nothing but disaster. It is certain that the marquis of Tweeddale and the discarded secretaries were men of honor and integrity; but, actuated by a very pardonable partiality to their native country, they had, without sufficient warrant of authority, and with little foresight of consequences, promoted and patronized a project which could not in the nature of things but give extreme umbrage to the English nation—though it is highly probable that the act itself was in an abstract view wisely planned. The infant blossoms of commercial adventure, which had with such extreme difficulty survived the chilling blasts of the winter of poverty, required and demanded the fostering warmth of legislative indulgence to mature and expand their foliage. Such a competition was far too feeble to excite any rational alarm. As well might the stately oak fear to be overshadowed by the trembling osier. In fact, Scotland could have gained no accession of wealth and prosperity of which England would not have been an immediate and almost equal participant. Not satisfied with the steps already taken, the house of commons appointed a committee to examine by what methods this bill was obtained. The committee having in a short time made their report, and delivered a copy of an oath *de fidei* taken by the directors of the Scottish India company; it was resolved, “that the directors of the company of Scotland trading to Africa and the Indies, administering and taking here in this kingdom an oath *de fidei*, and, under color of a Scots act of parliament, styling themselves a company, were guilty of a high crime and misdemeanor: and that lord Belhaven, William Paterson, David Nairne, and eighteen other persons named in the resolution, be IMPEACHED of the same.”

On the other hand, when the Scottish nation was apprised that the king had disowned the act for the establishment of their company, it is not easy to describe the indignation which was excited. For they had indulged the most

extravagant and chimerical expectations from the success of their project. Instead of the bleak and barren hills of their native land, mountains of gold rose in blissful vision before their eyes; and they resolved, in spite of all the opposition that England could give, to persist in the prosecution of a plan which had now the sanction of law, and which the king, however he might disapprove, could neither alter, suspend, or repeal.

An attempt, though unsuccessful, of a nature too remarkable to be entirely passed over without notice, was made in the course of the present session, in consequence of the mercantile losses lately sustained, to establish a council of trade with extraordinary and independent powers. And the house of commons proceeded so far in the business, as to vote, 1st, That a council of trade should be established by act of parliament, with powers for the more effectual preservation of the trade of this kingdom. 2dly, That the commissioners constituting the said council be nominated by parliament. 3dly, That none of the said commissioners should be of this house, &c. And a bill was ordered to be brought in upon the basis of these resolutions. This project was greatly disapproved, and warmly opposed by many of the most respectable and intelligent members of the house, who joined the courtiers in affirming, “ that the establishment of a council of trade on such principles must be regarded as a radical change of the constitution.—They urged, that the executive part of the government was by law wholly vested in the king; so that the appointment of any permanent executive council by act of parliament began a precedent of encroachment upon the prerogative, which might be carried to the most dangerous lengths. It was indeed alleged that the council would be much limited as to its powers: yet if the parliament named the persons, how low soever their powers might be at first, they would probably be quickly enlarged; and, from being merely a council of trade, they would be next authorised to appoint convoys

convoys and cruizers. This in time might be extended to the whole business of the admiralty, and the disposal of that part of the revenue which was appropriated to the navy—so that the monarch would gradually be reduced to the level of a doge of Venice.” To the general surprise, the earl of Sunderland declared loudly in favor of the bill; doubtless to ingratiate himself with the *popular*, or what the co-temporary writers of these times frequently style the *republican*, party; of whom, as the king truly remarked to bishop Burnet, Sunderland, from a retrospect of his past conduct, stood in perpetual fear. William was much displeased with his conduct in this instance; but his resentment does not appear to have been very serious or lasting. The arguments urged in opposition to the project in contemplation had probably their weight with the house; as the bill was delayed, and ultimately lost—the attention of the house being forcibly diverted to a less doubtful topic, and of more immediate interest and general concern.

On the 11th of February, 1696, a captain Fisher waited on the earl of Portland, to inform him, that there was a design in agitation to seize the person of the king, which was to be followed by a general insurrection in England and Scotland, and an invasion from France—the ships being actually prepared, and a body of troops ready to embark, with king James at the head of them. On his subsequent examination before sir William Trumbull, secretary of state, he confirmed this account with many additional circumstances, saying that a commission had been brought over from the late king, authorizing this attempt on the person of the prince of Orange, and that more than forty persons were engaged in the said design, which was called “attacking the prince of Orange in his winter-quarters.” He further declared, that Saturday the 15th instant was the day fixed upon for putting their plan in execution, and that the attempt was to be made in a certain spot between Brentford

ford and Turnham Green, as the king came in the evening from hunting, according to his usual custom : and that, in case of resistance from the guards, he was to be *killed*. But this informer pertinaciously persisting in his refusal to specify the individuals engaged in this plot, the king, who was little subject to alarms, treated the whole story as a fiction, and declared his resolution to hunt in the forest as usual on the succeeding Saturday. But in the evening of the 14th, lord Portland, going late to his apartments at Whitehall, found a person of the name of Pendergrafs, who desired to speak with him on a subject of the highest importance, which could not be deferred : and being admitted to an audience, he accosted the earl in these words : “ My lord, persuade the king to stay at home to-morrow ; for, if he goes abroad to hunt, he will be assassinated.” He then proceeded to give a detail, in substance the same with what had been already recounted by Fisher. This informer acknowledged himself to be “ an Irishman and a papist.” But he declared, “ that when this business was proposed to him, he was struck with horror, and immediately resolved to discover it—that his religion was accused of authorising and encouraging such actions ; but that he for his part abhorred such principles, though in all other respects he was a true catholic. And he thought it most advisable to impart it to his lordship, as the person whose zeal and fidelity were fittest to be relied on.” Like Fisher, however, he absolutely refused to mention the names of any of the parties concerned in this plot.

The earl of Portland immediately repaired to Kensington, though at a late and unseasonable hour ; and, having obtained access to the king, who had retired to rest, informed him of the additional evidence by which the reality of the conspiracy was now confirmed. On hearing this, the king thought proper to alter his resolution of hunting on the morrow. This appears to have excited no alarm amongst the conspirators, as being attributed to accident ; and the
execution

execution of the design was postponed to the following Saturday. In the interim, a third witness, named De la Rue, came to sir William Trumbull, and discovered not only the particulars of the conspiracy as before related, but the names of divers of the conspirators, who were said to be sir George Berkeley, sir William Perkins, Charnock, Parker, Porter, &c. &c. Fisher and Pendergrafs, hearing this, consented at length to come forward as legal witnesses. No suspicion being even yet entertained by the conspirators of a discovery, they met at Porter's lodgings, Pendergrafs and De la Rue being of the number, on the morning of the 22d; and in the midst of their consultations they received intelligence that the king's hunting was a second time put off; upon which the company fell into a consternation, and talked of treachery: and, after drinking confusion to the prince of Orange, they separated in great confusion themselves.

Warrants being issued the evening of the same day, various of the conspirators were apprehended in their beds. At this critical juncture advices were received from the elector of Bavaria, governor of the Low Countries, that the French troops stationed on the coasts of Normandy and Picardy were in motion, and ships of war and transports assembling in different ports of the Channel. It was resolved, therefore, without farther delay, to communicate the whole of this extraordinary business to parliament; and on Monday the 24th of February, the king in an interesting speech from the throne apprised the two houses that he had received several concurring informations of a design to assassinate him; and that the enemies of the kingdom were very forward in their preparations for a sudden invasion." The parliament, astonished and inflamed at this intelligence, voted unanimously a most loyal and affectionate Address, "expressing their detestation of so villainous and barbarous a design, and their resolution to revenge the same on his majesty's enemies and their adherents." A bill was immediately

diately ordered in for suspending the Habeas Corpus Act; and the Model of an Association was immediately drawn, to be signed by the members of the house, nearly in the terms of the Address, solemnly declaring that his present majesty king William is *rightful and lawful* king of these realms. Above four hundred members of the house signed this association immediately; and an order was made, that all members should sign the same, or declare their refusal, on or before the 16th of March. This was a procedure extremely obnoxious to the high tories and concealed jacobites. "The distinction of a king *de facto* and a king *de jure* was revived on this occasion; and all the ability of the party was exhausted in their endeavours to shew, both from authority and argument, that they ought not to be pressed on this head; and that compliance or non-compliance ought not to be esteemed the test of a good subject."*

In the house of lords, where the same association was proposed, the words *rightful and lawful* were strenuously attacked on the old ground, as not applicable to an elected sovereign; and the earl of Rochester moved, that in the stead of them should be inserted, "that his present majesty king William hath a *right by law* to the crown of this realm; and that neither king James nor the pretended prince of Wales, nor any other person, hath any right whatsoever to the same." This was indeed a very nice and curious, if not rather a senseless and unintelligible, distinction: yet it served as a salvo for the honor of the party; and it was wisely adopted by the house, in order to conciliate the more moderate tories, who throughout the kingdom signed the association of the lords, while the whigs adhered to that of the commons. And the originals of both were, conformably to an address of the commons to the king, lodged among the records in the Tower, there to remain as a perpetual memorial of the national loyalty. As a farther proof of their attachment to the present establish-

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* Ralph, vol. ii. p. 623.

ment, towards the close of the session a bill was introduced with general approbation, for the better security of his majesty's person and government, which enacted, that such as refused to take the oaths should be subject to the penalties of popish recusants convicted; that it should be penal to declare by writing or otherwise, that king William was not *lawful and rightful* king of these realms; that no person should be capable of any office of profit or trust, civil or military, that should not sign the association; or of sitting in that house after the determination of the present parliament.

On the 27th of April, 1696, the king closed the session with a short but gracious speech, in which he “congratulated the parliament that the designs of their enemies had, by the blessing of God, no other effect than to let them see how firmly they were united.” Before this period, several of the principal conspirators had been brought to trial; not only De la Rue and Pendergrafs, but Porter, Goodman, Harris, and various others, being admitted as witnesses for the crown. The first who suffered was Robert Charnock, one of the two fellows of Magdalene college who in the reign of James had renounced the protestant religion. Sir John Friend and sir William Perkins were tried and convicted soon after. They both persisted in their ignorance of any assassination plot, but acknowledged that they had been present at meetings held for the purpose of conspiring against the government. It was strongly urged by the former, that according to the famous statute of Edward III. a consultation to levy war was not treason; and that the being at a treasonable consult was but misprision of treason. The statute being read in court, lord chief justice Holt, a man to whom even the malignity of faction has not dared to impute any violation of integrity, declared, “that, though a bare conspiracy or design to *levy war* was not within this law treason; yet if the design or conspiraey be either to kill the king or to depose or imprison him, or put any force
or

or restraint upon him on any pretence, and the way proposed to effect any of these ends is by levying war; there the consultation and conspiracy to levy war is high treason, though no war be actually levied." This is a construction, however originally forced or artificial, so antient, and so universally adopted by the courts of judicature and incorporated into their decisions, that no odium can attach to the chief justice for stating it as law. And it has been so long and invariably acquiesced in by the nation and by the legislature, as to acquire in equity the force of law, inconsistent as it appears with the original intent and meaning of the statute. At the execution of these state criminals they were attended by three non-juring clergymen, who had the effrontery to give them solemn absolution in the view of all the people: for which insult to the government they were committed to custody, but discharged after a short confinement with only a reprimand from the court. One of these clergymen was the celebrated Collier, author of the *View of the English Stage*; a man who to the superstition of a monk added the piety of an apostle, and the courage of a martyr. On this occasion a declaration was signed by the two archbishops, and twelve other bishops, among whom were Crew of Durham, Mew of Winchester, and Sprat of Rochester, containing a severe censure on the performance of this office of the church, without a previous confession made, and abhorrence expressed by the prisoners of the heinous crimes for which they died. To this declaration Collier with undaunted spirit published a reply, "maintaining the absolution to be every way defensible as to matter, manner, persons, and occasion."

The trials of Roekwood, Lowick, Cranbourne, &c. succeeded to those of Friend and Perkins; but afford no circumstances of sufficient moment to arrest historic attention. The great problem to be resolved, on inspecting these trials, is how far the late monarch was concerned in that part of the conspiracy which effected the life of the reigning

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ing king. From the whole tenor of the evidence, as well as from the confession of several of the conspirators, it appears that a commission of an extraordinary nature, written, as affirmed in evidence, by king James's own hand, was delivered by that monarch to sir George Berkeley, to levy war against the prince of Orange and all his adherents. And the conspirators had instructions from the king to obey the orders of sir George Berkeley, an officer of great experience, courage and address, who was considered by them as the head and chief of the whole enterprise; and to confer and consult with whom the duke of Berwick had in the preceding winter made a voyage to England, accompanied by the well-known colonel Parker, an active and furious partisan of the late king, who had recently escaped from the Tower. From the uniform and dying testimony of the conspirators, it is morally certain that the commission did not expressly authorise the *assassination* of the prince of Orange. "This," as bishop Burnet observes, "is an odious word, and perhaps no person was ever so wicked as to order such a thing in so crude a manner." Nor is it perfectly clear, that the letter of the commission extended even to the seizure of the person of the prince. None of the crown-witnesses pretended to have seen the original commission; and sir George Berkeley, in whose possession it was, having effected his escape and re-conveyed it to France, the transaction is left in impervious obscurity. Porter deposed, "that Charnock *told* him, Berkeley had a commission from king James to make an attempt on the person of the prince of Orange; which was confirmed to the deponent from the mouth of Berkeley: and also, that he the witness had heard the same thing affirmed in discourse by sir William Perkins, with the additional circumstances, 'that he had himself seen the commission; that it was written by the king's own hand, because he would not trust his ministers; and that the purport of it was for levying war on the *person* of the prince of Orange.'" Blair, another witness, deposed, "that

“ that father Harrison a monk, an agent of king James in London, told him, that if the business in hand,” i. e. the seizure or assassination of the prince of Orange, “ miscarried, it would hinder king James from coming.” And Blair expressing his dislike of any such attempt, saying “ there was no authority for it either from God or man ; Harrison rejoined, that there was an authority or warrant from king James, which he, Harrison, had seen, though it was not fit every body should see it.” Fisher deposed, that sir George Berkeley proposed to him, in the presence of Harrison the monk, the design of seizing the person of the prince of Orange ; and that Harrison had assured him king James had sent orders for executing the design aforesaid ; and that sir George Berkeley had brought over with him the said orders from France.” Harris, an officer, serving in the late king’s body guard, swore, “ that, being in France in the month of January last, he was sent for by the king, who informed him, ‘ that being sensible he had served him well, he should send him to England, where he was to follow Berkeley’s orders, in which case he would take care of him.’ That on his arrival in England, he was ordered by Berkeley to keep close till there was occasion for his service ; that after a short interval, repairing by appointment to the lodgings of one Counter, he found several persons there assembled. Sir George Berkeley then coming in, declared ‘ these were his Janizaries ; adding, that he hoped they would bring him the Garter ;’ and talked something about *attacking*—which very much startled the deponent, who till then had heard nothing of the matter. That on meeting captain Rookwood the next morning, he asked him whether they were to be the murderers of the prince of Orange ? to which Rookwood replied, he was afraid they were engaged in it. That at another time walking in Red Lion Fields with Lowick, Bernardi, and Rookwood, and considering what a barbarous thing they had to do ; Lowick said, he would obey orders, adding, ‘ Sure sir George Berkeley would not undertake it without

without orders! Upon which Rookwood often repeated, 'the king had sent him to obey Berkeley's orders;' and both Bernardi and the deponent acknowledged they lay under the same obligation." Upon the whole, it cannot well admit of a doubt but that sir George Berkeley, who appears to have been in very high favor at the court of St. Germaine's, acted with a perfect understanding of its views, and an entire conformity to its inclinations. The real object of the commission was the *removal* by whatever means of the prince of Orange; and a veil was artfully cast over the villainy of the attempt, by endeavouring to give it the air of a military enterprise. Impartiality, nevertheless, requires the mention that sir William Perkins, in the paper written by him, and left in the hands of the sheriff, contradicts in part the evidence of Porter, in the following words: "I thank God I am now in a full disposition of charity, and therefore shall make no complaints either of the hardships of my trial, or any other rigors put upon me. However, one circumstance I think myself obliged to mention. It was sworn against me by Mr. Porter, that I had owned to him that I had seen and read a commission from the king to levy war upon the *person* of the prince of Orange. Now I must declare, that the tenor of the king's commission which I saw was general, and directed to all his loving subjects to raise and levy war against the prince of Orange and his adherents, and to seize all forts, castles, &c. But as for any commission *particularly levelled* against the *person* of the prince of Orange, I neither saw or heard of any such." After all, whether the term *person* was expressly mentioned in the commission or not, it seems apparent from the authorized construction of sir George Berkeley, that it was included in the design and spirit of it.

The Memoirs composed or corrected by king James contain, notwithstanding, a peremptory denial of this charge. "The king," it is said, "was pressed to make another attempt upon England. He was prevailed upon by conceiving the
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the kingdom to be much better disposed, and the conjuncture more favorable. Before the king entered upon his expedition, he found great difficulties about wording his Declaration. Melfort had been dismissed at the solicitation of his friends in England. Middleton, who succeeded him, was of opinion that the king ought to adhere to his last Declaration. The king left St. Germaine's, February 28. The troops intended for the invasion began to draw near Dunkirk and Calais. He was hastened off too soon by the court of France. The alarm was taken before things were ripe, and the intended expedition fell to the ground. Besides the misfortune common to this expedition with the rest of the king's attempts, it brought obloquy upon him, by its being thought that he was privy to or approved of the design on the *person* of the prince of Orange. Certain gentlemen, thinking to do the king good service by it, combined among themselves. Their first project was to surprise and seize the prince of Orange, and carry him into France. But finding that impracticable if they scrupled his life, they were by degrees drawn into a resolution of attacking him as he came from Hampton-Court, or from hunting; and if they found no possibility of carrying him off alive, to make no difficulty of killing him. The king was neither privy to this design, nor did he commission the persons—though he suffered most undeservedly both in his reputation and interest. For those unfortunate gentlemen—by *mistaking messages* on the one hand, and their too forward zeal on the other, most of them lost their own lives, and furnished an opportunity to the king's enemies of renewing their calumnies against him." It appears by this account, therefore, that the persons concerned in this dark and desperate business *imagined* they were acting under the sanction of the court of St. Germaine's: and it is not easy to conceive how it was possible in such a case to mistake the messages or instructions to which we are necessarily led to infer that they meant to conform.

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The government having with such success detected and punished the authors of this daring and dangerous conspiracy at home; the most vigorous efforts were at the same time made to counteract the machinations of the enemies of the nation abroad. Admiral Russel having with incredible diligence collected a vast fleet of fifty ships of the line, stood over to the French coast, and discovered in the port of Calais between three and four hundred transports, drawn up close in shore, as also seventeen or eighteen men of war lying amongst the sands of Dunkirk, which were intended to cover the embarkation. The enemy, astonished at the sudden appearance of the English fleet, instead of continuing their preparations for a descent on the adverse coast, became anxious for the safety of their own. The English admiral, after detaching sir Cloudesley Shovel, an officer of great merit, to bombard the town of Calais, and completely disconcerting the designs of the court of Versailles, returned in triumph to the Downs. King James, after having tarried some weeks at Calais with a view to embark for England as soon as matters were sufficiently ripe, now returned disconsolate to St. Germaine's. The troops assembled for the purpose of invasion were marched back into the interior of the country; and the people of France exclaimed, "that the malignant star which ruled the destiny of James had blasted this and every other project formed for his restoration."

Early in May, 1696, the king of England embarked, as for several preceding years, to take upon him the command of the allied army in Flanders. Some weeks previous to his arrival, a spirited attempt had been made, under the conduct of the earl of Athlone and general Coehorn, on a vast magazine of ammunition and military stores, which the French had collected at Givet, in order to enable them to make an early opening of the campaign. Such was the success attending this enterprise, that after a bombardment of a few hours the whole was set on fire, and before the close
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of the day completely consumed ; the two generals returning to Namur without loss or molestation. Vast armies were this year brought into the field without any visible end or purpose ; no offensive operations being attempted either by marechal Villeroi or the king of England ; and a more striking proof could not be exhibited of the folly of continuing a war at so immense an expence, without the prospect, or, in this mode of conducting it, the possibility, of advantage.

The campaign on the Rhine resembled that in Flanders, and consisted wholly of marches and counter-marches, affording no incident which can be supposed to claim the slightest attention of the general historian.

In Catalonia, M. de Vendome, an officer rising into great reputation, who had superseded the duc de Noailles, passing the Ter, attacked and forced the Spanish army under the prince of Hesse Darmstadt encamped near the town of Ostalric. The Spaniards, however, upon this occasion made a good defence, and a regular retreat under the cannon of Ostalric ; so that no farther advantage could be gained over them : and it appeared on this, and many other occasions, that the state of imbecility into which Spain had for near a century fallen was owing not to any want of energy in the people, but to the miserable and wretched policy of a senseless and distracted government.

The most important event of the present year was the defection of the duke of Savoy, who, finding the leading powers of the Alliance still reluctant to meet the advances of France, and at the same time, as Lamberti affirms, secretly apprised by the court of Versailles of the *infallible restoration* of king James in consequence of the measures then concerted, thought it expedient to provide for his own security by a separate treaty, signed early in the spring privately and confidentially at Lorette, to which place the duke had repaired on a pretended pilgrimage, and openly and avowedly towards the close of the summer. The emperor

peror and the kings of Spain and England were highly exasperated at this desertion. One of the conditions of the treaty went to establish a neutrality in Italy, and the consequent evacuation of that country by the confederate armies. To this the courts of Vienna and Madrid refused with disdain to accede; upon which, the duke of Savoy, taking upon him the command of the combined forces of France and Piedmont, entered the duchy of Milan, and invested the fortress of Valentia. After the trenches had been opened for thirteen days, a courier arrived with dispatches signifying the consent of his Catholic Majesty to the proposed neutrality; on which the Imperial and French troops retired to their respective countries. And his Most Christian Majesty ordered a most solemn Te Deum to be sung at Notre Dame for the termination of the war in Italy, and splendid fireworks to be exhibited before the Hotel de Ville, with the happy device of Alexander cutting the Gordian knot.

In Hungary the Imperial armies were again commanded by the elector of Saxony, who distinguished himself as a general rather by his bravery than his military skill and conduct. A fierce but indecisive engagement between the two armies took place August 1696, on a plain bordering on the river Beque, after which a sort of cessation of hostilities seemed to ensue. The attention of Europe was, however, forcibly drawn to this side of the Continent, in consequence of the sudden and successful attack made by Peter czar of Muscovy on the Turkish dominions, and the surrender of the important city of Asoph, situated at the mouth of the Tanais, to the Russian arms. The emperor Leopold was eager on this event to conclude a treaty of alliance with the czar; and Europe now for the first time began to entertain some faint idea of the greatness of that power, which was destined to make so distinguished a figure in the transactions of the succeeding century. The talents of the young czar, clouded and obscured as they were by
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the defects of a barbarous education, already appeared in the view of penetrating observers to bode extraordinary changes and events. His father Alexis, who died in 1675, left three sons, Theodore, Iwan and Peter, and a daughter, Sophia. Theodore dying in 1682 constituted Iwan and Peter joint sovereigns; and, on account of the imbecility of Iwan and the tender years of Peter, Sophia was declared regent of the empire. She was a woman of great courage, address and ambition. Her administration was violent and bloody; and she harbored the design of seizing on the empire, to the exclusion of her brothers. But Peter, who had now attained to the age of seventeen, with equal sagacity and resolution attacked the princess suddenly at Moscow, defeated her partisans; and, making her a prisoner, compelled her to retire within the walls of a monastery. Iwan dying in the present year, Peter now reigned sole emperor, and soon gave indications of an ardent and aspiring mind, formed for vast and boundless enterprise.

The court of Versailles having renewed its overtures for peace, and even delegated M. de Callieres to the states-general with specific proposals; the maritime powers, alarmed at the defection of the duke of Savoy, seemed at length to lend a serious ear to the propositions of France. And on the 3d of September, 1696, their high mightinesses, with the approbation of the king of England, came to a solemn resolution, “that, in consequence of the concessions of France to the Imperial demands, matters were now brought to such a crisis, that in concert with their allies the mediation of Sweden might be accepted.” But Spain and the emperor in haughty terms signified their opinion, that the declarations of France were not yet sufficiently explicit—they insisted upon the re-establishment of the treaty of Westphalia in all its parts; and they added this extraordinary condition to their acceptance of the mediation, “that the king of Sweden, as guarantee of the treaty of Westphalia,

phatia, should join his forces to those of the allies, in case France should refuse to accede to the terms proposed." The prospect of a peace, therefore, was to appearance still very distant; and the king of England, after adjusting measures for the next campaign, returned early in the month of October to England.

During his absence in the summer, a session of parliament had been held in Scotland—Lord Murray, created earl of Tullibardine, presiding as high commissioner. A spirit of loyalty seemed to pervade the whole of their proceedings; the supplies demanded by the court were granted without difficulty, and an association similar to that of England was adopted with equal unanimity.

Ireland this year sustained a great public loss by the death of the lord-deputy Capel. Peace and order seemed, however, in a great measure restored. The government of that kingdom was transferred to sir Charles Porter, lord-chancellor, and the earls of Montrath and Drogheda, as lords-justices. A session of parliament being held, the association of the English legislature was signed by all the members, excepting one Sanderson, who was thereupon indignantly expelled the house.

On the 20th of October, 1696, the day fixed for the meeting of the parliament of England, the king acquainted the two houses, "that overtures for peace had been made on the part of the enemy. But," said he, "I am sure we shall agree in opinion, that the only way of treating with France is with our swords in our hands." In reply to which, the commons presented an address framed in the spirit of Roman magnanimity. "This is the eighth year," say they, "in which your majesty's most dutiful and loyal subjects, the commons in parliament assembled, have assisted your majesty with large supplies for carrying on a just and necessary war in defence of our religion, preservation of our laws, and vindication of the rights and liberties of the people of England, which we have hitherto preserved, and

by the blessing of God on your majesty's conduct and good government will steadfastly maintain, and entail on our posterity. This has cost the nation much blood and treasure: but the hopes of accomplishing so great and glorious a work have made your subjects cheerfully support the charge. And to shew your majesty and all christendom, that the commons of England will not be amused or diverted from their firm resolutions of obtaining by war a safe and honorable peace; we do, in the name of all those we represent, renew our assurances to your majesty, that this house will support your majesty and your government against all your enemies both at home and abroad; and that they will effectually assist you in the prosecution and carrying on the present war against France." The king, highly pleased and gratified with these assurances, replied in warm terms, "that the continuance of their zeal and affection was what of all things in the world he valued most; and that he would make the good and safety of the nation the principal care of his life."

The professions of the commons by no means evaporated in mere words. The estimates of the necessary supplies being laid before the house by Mr. Montague; it appeared that near six millions were wanting for the current expences of the year; and upwards of five millions of floating debts occasioned by the deficiency of former funds and taxes, were to be provided for. Meeting the embarrassments of the moment with firmness and fortitude, they came to a resolution, "that the supplies for the service of the year 1697 should be raised within the year;" which was effected by a land-tax of three shillings in the pound, and a very heavy capitation tax, in addition to the existing burdens. The arrear of 5,160,000*l.* was provided for by loans and exchequer bills, which till this time, from the delay and uncertainty of payment, had suffered an enormous depreciation. But the most vigorous and effectual measures were now taken for the restoration of the public credit.

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An interest of 7l. 12s. per cent. was allowed upon these bills; they were taken by the government as money, in the payment of all duties excepting the land-tax; and the Commissioners of the Treasury were authorised by parliament to contract with such individuals or bodies corporate as they thought fit to exchange these bills or *tallies* for ready money at a certain premium; which was first fixed at ten per cent. but afterwards sunk to four; till in a short time, to the astonishment of the public, who had so long seen them at 20, 30 or 40 per cent. discount, they rose to *par*, in consequence of these very easy and obvious, but at this period novel and marvellous, operations of finance. There were, nevertheless, those who mourned in secret to see national profusion and extravagance organised into a system, and millions upon millions lavished and dissipated, as if the national wealth could never be exhausted, and the hearts-blood of the public were destined eternally to feed the insatiable vulture of war.

So anxious were the commons to retrieve and establish parliamentary and public credit, that they condescended to take very great alarm at a trifling jesting paragraph in a certain periodical paper published at this time, called *The Flying Post*, expressed as follows: "We hear that when the exchequer notes are given out upon the capitation fund, whosoever shall desire specie on them will have it, *at five and a half per cent.* of the society of gentlemen that have subscribed to advance some hundreds of thousands of pounds." They voted this passage to be "a malignant insinuation in order to destroy the credit and currency of the exchequer bills." They ordered the printer, John Salisbury, to be taken into custody; and gave leave to bring in a bill to prevent the writing, printing, or publishing any news without license. And yet, when such a bill was presented by Mr. Pulteney, it was, to the everlasting honor of the house, thrown out before a second reading; because, though they saw the mischiefs of the liberty of the press, they

they knew not where to fix the power of restraint. This was happily the last attempt ever made to fetter the freedom of the press, that palladium of our liberties. Soon after the Restoration, an act, founded chiefly on the star-chamber decree of 1637, passed, to subject the press to the restrictive power of a licenser; but this, as the celebrated Blackstone observes, "is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government. The will of individuals ought to be left free; the abuse only of that free will is the proper object of legal punishment." The Licensing Act determined in 1679, but was revived by statute in the first year of James II. and continued till 1692, when it was again renewed for two years, and finally expired in 1694, when the press became properly free, as it will now in all probability remain till the constitution of England, already shaken to its centre, shall perish with it.*

The attention of the house was for a great part of the session engaged and almost engrossed by a business, which, in the view of a distant posterity, can by no means appear of that moment and importance which it accidentally and artificially acquired in consequence of the temporary warmth of political contention. Sir John Fenwick, a man deeply concerned in the late conspiracy, had been apprehended in the month of June at New Romney, in his way to France. He had been accompanied during part of his flight by one Webber,

" "It seems not more reasonable," says Dr. Johnson, "to leave the right of printing unrestrained, because writers may be afterwards censured, than it would be to sleep with doors unbolted, because by our laws we can hang a thief." Thus, by a dangerous illusion are wit and metaphor too often by men of parts substituted for grave and solid argument. In the present instance, the edge of the remark has been with great felicity turned against the remarker, by the counter observation, "that, to suffer no book to be published without a license is tyranny as absurd as it would be to suffer no traveller to pass along the highway without producing a certificate that he is not a robber."—*Hayley's Life of MILTON.*

Webber, to whom he entrusted a letter to his lady, which was unfortunately intercepted. In this confidential effusion of affection and terror, he said, "that nothing could save his life, but the endeavors of lord Carlisle his brother, the family of the Howards, &c. or else the securing a jury." On his examination before the lords of the Regency, he resolutely denied the charges brought against him: but at length the letter was produced; the surprise of which so affected him, that he could not conceal his dismay and confusion, and no longer persisted in his former protestations of innocence. Soon after this, on hearing that a bill was found against him by a grand jury, he petitioned for a delay of trial, and offered to discover all he knew, on condition he might have a pardon, and be excused from appearing as an evidence. This proposal was transmitted to the king, then in Flanders, who refused to accede to it; and declared, that he would be left at full liberty to judge both of the truth and importance of his discoveries. Sir John, then resolving to throw himself upon the king's mercy, sent him a paper, in which, after a very slight and unsatisfactory account of the plots and projects of his friends the jacobites, he had the egregious indiscretion to bring forward an accusation against the earls of Shrewsbury, Marlborough, and Bath, the lord Godolphin and admiral Ruffel, for having made their peace with James, and engaged to act for his interest. By this imprudence he made of course the most powerful men in the kingdom his inveterate and determined enemies—and the charge having its foundation in truth, though blended perhaps with some inaccuracies and exaggerations, it behoved them to adopt bold and decisive measures to silence the accuser. "Till the year before the business of La Hogue," says sir John Fenwick, in that fatal confession, which of itself constituted a crime too great for absolution, "we knew only of my lord Godolphin concerned in this government who held a correspondence with him (i. e. king James) from the time he went over.—This winter

winter my lord Middleton came to town, who had often been desired to go over (i. e. to St. Germaine's), believing it would be great service to king James to have him there in his business. He alleged he could do little service by going, unless he could engage and settle a correspondence here before he went—that he had entered into this affair with lord Shrewsbury and lord Godolphin already; and there were some others whom he believed he should gain, and then he would go. Soon after captain Floyd, a groom of the bedchamber to king James, was sent over to him from my lord Marlborough and admiral Ruffel, with an assurance from them of their interest in the fleet and army, which they did not doubt but to secure to him if he would grant them his pardon for what was past. At his return, which was within a month, he acquainted me with some things king James had ordered him, and told me he had no difficulty in Mr. Ruffel's affair: but the answer to lord Marlborough was, that he was the greatest of criminals, where he had the greatest obligations; but if he did him extraordinary services, he might hope for pardon.—My lord Middleton, having settled his correspondence, went over in March following.—Sir Ralph Delaval and Killigrew were both engaged to serve king James: their opinion was asked of Shovel; they said, he was not a man to be spoke to, &c.”

This information was treated with great contempt. The king would not appear to give any sort of credit to it; and an order was issued for bringing him to trial unless he made fuller and more material discoveries.* But various delays intervened;

* No doubt the parties concerned endeavored to vindicate themselves as well as they were able from these accusations—but the duke of Devonshire, to whom sir John Fenwick read the papers, told him “that the king was acquainted with most of those things before.” There is a curious letter extant from Shrewsbury to the king, in the Kensington cabinet, dated September the 8th, 1696, containing protestations of innocence to which it is unpleasant to be obliged to refuse credit. “I want words,” says he, “to express

intervened; and sir John Fenwick, perceiving how little chance he had of escape from this quarter, thought it necessary to play a new game, and began with great art and assiduity to practise upon the witnesses who were to be produced against him. These were Porter and Goodman, both of

express my surprise at the impudent and unaccountable accusation of sir John Fenwick. I will, with all the sincerity imaginable, give your majesty an account of the only thing I can recollect that should give the least pretence to such an invention. After your majesty was pleased to allow me to lay down my employment, it was more than a year before I once saw my lord Middleton. He told me, he intended to go beyond seas, and asked if I would command him no service. I then told him, by the course he was taking it would never be in his power to do himself or his friends service; and if the time should come that he expected, I looked upon myself as an offender not to be forgiven.—He seemed shocked at my answer, and never mentioned any thing else to me, but left a message with my aunt (lady Middleton) 'that I might depend upon his good offices upon any occasion; and in the same manner he relied upon mine here, and had left me trustee for the small concerns he had in England.' I only bowed, and told her I should always be ready to serve her, or him, or their children. Your majesty now knows the extent of my crime; and, if I do not flatter myself, it is no more than a king may forgive." In a subsequent letter (October 1696), he craved permission to resign the seals on account of the ill state of his health, and the suspicion he lay under—but to this the king would by no means hearken. Mr. Macpherson, on the authority of the MS. Memoirs of king James, imputes the attainder of sir John Fenwick to a personal enmity of William against him. Macpherson's Hist. vol. ii. chap. 3. But, as Dr. Somerville in his History of Political Transactions, &c. justly and judiciously observes, "if the Life of James is admitted as authentic, on the one hand, with respect to every allegation and fact favourable to his own character; and as equally authentic, on the other, in establishing every information reproachful to the character of William; it is obvious what the consequence must be, and how unfairly a person trusting to such information must judge of the conduct of James and William.—Had he been prone to resentment, he might have gratified it more extensively and effectually by saving sir John Fenwick, and admitting him as an evidence against those men whose treachery was aggravated by ingratitude; but upon this and many other occasions William sacrificed resentment to considerations of prudence and generosity." In this, as in almost every other instance, Mr. Macpherson's poisoned shaft misses its mark, and "hits the woundless air."

of them men very obvious to corruption. The first, being the most considerable person of the two, was offered the sum of 600 guineas to bear his charges to France, and an annuity of 300*l.* for life. Porter, instead of accepting these proposals, thought he consulted his interest better in divulging the offers made by the prisoner, to the government. But Goodman, being also tampered with, proved more compliant; and when the time of the trial approached, it appeared that, one of the witnesses having absconded, no legal conviction, as the law of treason now stood, could take place—all collateral evidence, however cogent or satisfactory in itself, being invalid and nugatory: and the prisoner had great reason to flatter himself that he was in a state of perfect safety. But the enemies of Fenwick were far too powerful to suffer him thus to reap the benefit of his own artifices. On the 6th of November, 1696, admiral Ruffel acquainted the house of commons, “that his majesty had given leave to lay before them the several papers which had been given in by sir John Fenwick, in the nature of informations against himself, and several other persons of quality; and he desired that those papers might be read, that so he might have an opportunity of justifying himself; or, if he did not, that he might fall under the censure of the house. The papers being read, Fenwick was ordered to the bar of the house, and interrogated by the Speaker as to his knowledge of the designs and practices of the enemies of government; being at the same time told, that to make a full and clear discovery was the best and only method he could take to deserve the favor of the house. To this he made a very weak and prevaricating reply,—declaring “that he had already, in the hope and prospect of pardon, discovered all he knew; and the answer constantly was, ‘This is not satisfactory;’—so that,” said the prisoner, “I am where I was. Now, when a man hath told all he knows, and this must still be the answer, it is very hard. I hope I shall not find this from this honorable house :

house : I know this house is good security, if I had it ; but till I have it I am under these circumstances that I may at last be told, ‘ All is not satisfactory.’” In consequence of this indiscretion, he inflamed the anger of the house by his refusal, and the resentment of the executive government by his implied reproach—reducing himself, by his own statement of things, to this unhappy dilemma : Either he had, previous to this examination at the bar of the house, made a full and clear discovery as he pretended, in which case it was great presumption and absurdity to stipulate for a pardon, when he had nothing fresh to communicate—or, if he had not already made a full discovery, he stood self-convicted of the grossest falsehood and dissimulation, with regard to the court, which would then be entirely exculpated as to any expressions of dissatisfaction.

A motion was forthwith made, and carried by a great majority, to bring in a bill to attaint sir John Fenwick of high treason ; and counsel was assigned him by order of the house. But the bill in all its stages, and in its progress throughout both houses, had to encounter a most unexpected opposition, invigorated by all the animation and eloquence which the rage of faction could inspire. The Tories and concealed Jacobites in the house felt that they stood upon high and popular ground ; and they improved their advantage with great art and ability. The question resolved itself into two parts : 1st, Whether any deviation from the established and legal mode of proceeding, and the assumption of so extraordinary a power as that of passing bills of attainder on evidence not admissible in the inferior courts, was in any case justifiable ? And, 2dly, Whether, if such an arbitrary exertion of authority was ever to be vindicated, the case of sir John Fenwick was of so great magnitude as to justify the exercise of it ?

The advocates for the bill alleged, that the ordinary and established laws of the land were intended and calculated for ordinary cases ; but that there never existed a government

vernment where there was not a resort to extraordinary power when the nature of the case required it. The reason why any man deserves to be punished, is because he is criminal, let his crime be made evident in any way whatsoever—whatever makes the truth evident, is and must be held fair and reasonable evidence. Can any innocent man think himself in danger, when he is judged by the representatives of the nation and the peerage of the realm. If the bill in question established a precedent for punishing a man whose guilt was doubted of, it would indeed be a very ill and dangerous precedent. But, on the contrary, it is in fact a precedent for punishing a man notoriously criminal, who had eluded the justice and dared the resentment of his country. For such a case provision could not be made by fixed and standing laws. The legislature was indeed not bound to observe justice and equity as much, if not more than the inferior courts, because the supreme court ought to set an example to all others : but they might see cause to pass over forms as occasion should require. The constitution of England admitted neither state-inquisitions, nor tortures, nor any magistrate vested, like the dictator of the Romans, with unlimited power ; and therefore, upon great emergencies, recourse must be had to the supreme legislature. The method of attainders had been practised at all times ; and when parliamentary attainders went upon good grounds, they had never been thought to merit censure. Bills of attainder passed in times of violence had indeed been reversed, and so likewise had judgments of the inferior courts. The possible abuse of power is no argument against its just and reasonable exercise. The nation and every person in it must be safe in the hands of a parliament elected by themselves ; or, if they are not safe, there is no help for it—the nation must perish, for it is by their own fault. The antient Romans carried their idea of liberty so high, that by the Porcian Law no citizen could be put to death for any crime whatsoever. Yet in the famous

mons case of Catiline's conspiracy, as the evidence was clear, and the danger extreme, the accomplices in it were executed notwithstanding the Portian Law. And this was done by the order of the senate, without either hearing them make their own defence, or admitting them to claim the right which the Valerian Law gave them of an appeal to the people.

In reply to these arguments the opponents of the bill insisted, that the high court of parliament, though not bound by the forms of law, could not depart from the rules of evidence. Parliament could not alter the nature of things; what was justice and equity in Westminster-Hall was justice and equity every where. It had been solemnly determined by a late act, that two witnesses were necessary to prove an overt act of treason. If parliament assume a power of dispensing at pleasure with the laws most essential to the liberty and safety of the subject, who is secure? Sir John Fenwick may not indeed be a good Englishman, yet his cause may be the cause of a good Englishman. Shall it be said that there arises danger to the government from suffering sir John Fenwick to escape in consequence of a deficiency of evidence, and at the same time forget the danger to ourselves, which will be incurred from the conviction of sir John Fenwick under that deficiency of evidence? Is it a proposition to be endured, that the constitution must be weakened, in order that the government may be strengthened? Who is sir John Fenwick, that such alarm and apprehension should be excited in the possible event of his enlargement? Even the regicides, notwithstanding the notoriety of the fact charged upon them, were admitted to the benefit of a trial by the known laws of the land; and did not suffer without a previous conviction on the fairest and fullest evidence. As to bills of attainder in former parliaments, many no doubt had passed, but not without heavy censure in all cases where the persons attainted were neither fugitives nor outlaws, but ready personally

sonally to appear, and desirous to abide the issue of a regular trial. In the glorious and memorable times of Elizabeth, however, it was remarked, that not a single bill of attainder had passed. And though continually harassed with plots and conspiracies, the wisdom of that reign knew how to maintain the honor and safety of the government without having recourse to such odious expedients. We can tell at present on what ground we stand; for by the statute of Edward III. we know what is treason; by the two statutes of Edward VI. and the late Act of Treason, we know what is proof; and by the Statute of Magna Charta we know how we are to be tried—by the law of the land and the judgment of our peers. But if bills of attainder come into fashion, we shall neither know what is treason, what is evidence, nor how nor where we are to be tried. In a trial of this nature, if it deserves the name, the two characters of judges and jurymen are confounded; there is no power of examining upon oath; there is an ultimate power of condemnation, without a correlative ultimate power of acquittal. It is the province and duty of a judge, as lord Coke says, *discernere per legem*. If judges make the law their rule, they can never err; but if the uncertain arbitrary dictates of their own fancies, which lord Coke calls “the crooked cord of discretion,” be the rule they follow, endless errors must be the effect of such judgments. Even supposing in the present case sir John Fenwick guilty; the mode of trial being itself iniquitous, his blood is unjustly spilt.

Such is the substance of the arguments used on each side, in the discussion of this celebrated bill; but blended with the bitterest effusions of passion and personality. Sir Edward Seymour closing his speech against the bill with these words: “I am opinion with the Roman, who in the case of Catiline, declared he had rather ten guilty persons should escape, than one innocent suffer”—General Mordaunt in reply remarked, “that the honorable member seemed not

not to recollect that the Roman who made this declaration was suspected of being a conspirator himself." Another member of the house, Mr. Manley, having in relation to the bill with vehemence exclaimed, "that it would not be the first time they had reason to repent making court to the government at the hazard of the liberties of the people;" such was the clamor raised against him, that he was by an immediate vote of the house, which refused to accept any explanation, committed prisoner to the Tower. Upon the whole, it appeared that the arguments of the opponents of the bill made great impression both in and out of the house. The first division on the motion for leave to bring in the bill was 179 voices to 61: and the bill was finally passed by 189 voices against 156. It was then transferred to the Lords, where it occasioned another vehement contest; and it was ultimately carried on a still closer division of 68 lords against 61; forty-one of whom subscribed a strong protest against the bill. The impolicy of the whigs was manifest in thus affording their antagonists the Tories an opportunity, which they eagerly embraced, of appearing in the advantageous light of the advocates and defenders of the constitution. For, however romantic it may be to deny the abstract principle, that there are extraordinary cases which justify extraordinary deviations from established rules; yet cannot the concluding observation of the lords' protest be justly controverted, "that sir John Fenwick is so inconsiderable a man, as to the endangering the peace of the government, that there needs no necessity of proceeding against him in this extraordinary manner."

A circumstance which tends to envelop the evidence of Fenwick respecting the great leaders of the whig party in deeper obscurity is, that the earl of Monmouth had, as we are informed by bishop Burnet, expressed a too vehement concern lest he should be mentioned amongst the correspondents of the court of St. Germaine's; but, finding himself secure, he gave secret encouragement to Fenwick to *persist*
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in his discoveries against the earl of Shrewsbury; and resenting his refusal—Fenwick having already, as he repeatedly asserted, told all he knew—Monmouth made a speech of great length and vehemence in the house of lords, in favor of the Bill of Attainder. Upon which Fenwick, impelled by anger and revenge, in his turn revealed to the house, on a subsequent examination moved by lord Carlisle at his desire, the base and sinister practices of Monmouth, who was thereupon committed to the Tower, and dismissed from his employments. But he was soon released, with a slight censure only—the king not wishing to have the matter farther investigated. He even spoke to bishop Burnet to do all he could to soften the censure; which he readily complied with, “not knowing,” as he says, “what new scene of confusion might have been opened by him in his own excuse.”

The Bill of Attainder received the royal assent early in January, 1697, and sir John Fenwick, finding that there was no mercy in reserve for him, prepared with fortitude to meet his approaching fate. And notwithstanding the proofs of weakness and pusillanimity which he had previously shewn, he resigned himself to the stroke of death, with calmness and composure. On account of his rank and noble connection, his sentence was changed to decapitation, which he suffered on Tower-hill, January the 28th, leaving in the hands of the sheriff a paper containing, with a denial of some circumstances, a virtual confession of the substance of the charges adduced against him; and “praying God to bless his true and lawful sovereign king James; and to restore him and his posterity to the throne again, for the peace and prosperity of the nation.”

The session of parliament terminated on the 16th of April, 1697, the king declaring, as usual, his intention to embark speedily for the Continent. Previous to his departure, he introduced the earl of Sunderland, who had long been known covertly to influence his councils, once more to

a conspicuous station in public life, by appointing him to the office of lord chamberlain, vacant by the resignation of the duke of Dorset. This nobleman was at the same time sworn of the privy council, and constituted one of the lords justices during the absence of the king. The lord keeper Somers was created a peer, and advanced to the dignity of chancellor of Great Britain; and admiral Russel was made earl of Orford, and continued to occupy the post of first commissioner of the admiralty, with powers little inferior to those usually vested in a lord high admiral.

The maritime powers being at length seriously disposed to listen to the pacific overtures of France; a joint memorial was presented to the court of Vienna by the ambassadors of England and Holland, early in the present year, 1697, to entreat his Imperial majesty to accept the mediation of Sweden without reserve, and name a place for holding the congress. In consequence of this proposition, the emperor deigned to signify, in cold and haughty terms, his acquiescence: and the ministers and ambassadors of the allied powers, excepting Spain, who affected to stand aloof, as if able singly to vindicate her own rights and to maintain her own separate interests, being assembled at the Hague, February, 1697, M. de Callieres, in the name of his most christian majesty, offered to confirm and re-establish the treaties of Westphalia and Nimeguen as the basis of the present pacification; to restore the city of Strasburg to the empire, and Luxemburg to Spain, or an equivalent for each; to restore Mons, Charleroy and the places captured in Catalonia to Spain, in the state in which they were taken, and the town and castle of Dinant to the bishop of Liege; to annul all the decrees of re-union made since the conclusion of the peace of Nimeguen; to restore Lorraine according to the conditions of the said treaty; and to recognise the prince of Orange as king of Great Britain. These were great and ample concessions; and such as fully demonstrated the sincerity of the king of France, and his earnest desire to

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give satisfaction to the different powers of the alliance. The emperor, however, still appeared actuated by fullness and angry discontent. He insisted, in a memorial delivered to M. Callieres, not only on the re-establishment of the treaties of Westphalia and Nimeguen in their full extent, according to the explanation of Nuremberg, but on the unconditional restitution of Lorraine to the duke, of the castle and duchy of Bouillon to the elector of Cologne; and with respect to Spain, to place all things on the basis of the treaty of the Pyrenees. And in a subsequent memorial, delivered April the 10th to the Swedish ambassador as mediator, styled the ulterior of his Cæsarean majesty, the same extravagant demands are renewed—with the addition of the insulting declaration, “that his Imperial majesty would not have consented to accept the mediation at all, if the king of Sweden had not consented to guaranty the preceding declarations of France.”

The death of the Swedish monarch Charles XI. which happened at this period, did not impede the progress of the negotiation; the ambassador mediator declaring, “that his late royal master had persevered to the last in his purpose of fulfilling the promised guarantee. And feeling the approach of death, he had earnestly recommended the same thing to his successor: and that his majesty now reigning had inherited the same inclinations and attachments, and desired to manifest the same sincerity in all things.” The emperor and Spain at length, through the urgent and repeated instances of Sweden and the maritime powers, agreed to open the conferences in form; and the congress was transferred from the Hague to the village of Ryfwick, where king William had a palace, which now became the seat and centre of political intrigue and negotiation. There many successive weeks and months passed away in unavailing diplomatic discussion and altercation.

But while the allied potentates affected to give law to France in the cabinet, the armies of that formidable power, taking

taking advantage of these impolitic delays, were successfully exerting themselves in making new acquisitions and conquests. And on the arrival of the king of England in Holland, he received the unwelcome intelligence, that the town of Aeth was invested by the enemy, now under the conduct of M. Catinat; the marechals Villeroi and Boufflers having the command of the covering army. The place was surrendered after a defence not very vigorous, and thirteen days open trenches only. King William had now taken upon him the command of the allied army, which he posted in so strong and judicious a position, that M. Catinat could gain no farther advantage—the campaign being, on the part of the king, professedly and entirely defensive.

The opposite armies lying very near to each other, in the vicinity of Brussels, the attention of the public was powerfully excited by the repeated interviews of the earl of Portland and marechal Boufflers, who, leaving at some distance their trains of officers and attendants, met by agreement in the plain of Halle, in the sight of the two camps; and at the last of these conferences the two military negotiators retired to a cottage, where they signed the articles previously concluded on. It was then signified to the plenipotentiaries at Brussels, that the king of England had adjusted his *separate concerns* with France; and William immediately retired from the camp to his palace at Loq.

What were the precise subjects of the conferences of Halle, and what the separate articles agreed to, has been the subject of much curious speculation. Bishop Burnet informs us, that the earl of Portland himself told him, that it was then and there stipulated, that the king of France should give the late king James no assistance, and the reigning monarch no disturbance upon his account; that James should retire to Avignon or Italy; and that the queen's jointure of 50,000*l.* per annum should be paid as to a dowager—James being considered as dead in law. This ac-

count is corroborated by M. de Torcy, who from the information of M. Boufflers says, "that, for the farther security of his master, the earl of Portland demanded that this unfortunate prince should be obliged to remove from France, and to follow his unpropitious star to Rome, or whatever other part of the world he chose." This condition not being in the sequel complied with by James, the jointure was of course withheld. On the other hand, M. Boufflers, as M. de Torcy tells us, insisted that a general Act of Grace should be granted to the English who had followed the fortunes of king James, and that they should be restored to the possession of their estates—also, that none of the subjects of the French king should be allowed to enter, or to settle in, the city of Orange; because his majesty foresaw that the new converts, still attached to their former errors, would flock to the provinces bordering upon Orange, and, if leave was given them, would settle there.* It farther appears from the Memoirs of king James recently published, that the king of France proposed to the king of England to obtain a parliamentary settlement of the crown after his decease upon the nominal prince of Wales, a child not as yet nine years of age; and that William did not indicate any aversion to restore the prince to that inheritance of which he had been deprived by the extreme, and, in relation to him, unmerited rigor of fortune. The overture made to the English monarch was consonant to the generosity of his nature; and it seemed no less agreeable to the principles of policy than of justice, as it obviated the dangers to be apprehended from a disputed succession: and the king owed no obligation to the princess of Denmark, whose personal interests were of little moment in his estimation. But on the communication of this project to James he opposed it with great vehemence. He said, "he could not support the thoughts of making his own child an accomplice to his unjust dethronement: he could suffer with christian patience the usurpation of the prince

* Torcy, vol. i. p. 25.

prince of Orange, but not that of his own son. Should even the prince of Orange," said the abdicated monarch in a letter addressed to the king of France, "induce the parliament of England to repeal the Act of Settlement, it would be always on condition of having the prince of Wales placed in their hands; without their being able to give any security, either for his person or his conscience." Most undoubtedly king William could not for a moment entertain the idea of reinstating the prince, but on the condition of his residence in England for the purpose of education; a concession he could scarcely expect from the known bigotry of James. We have also the authority of the duke of Berwick for this remarkable fact, who, in the *Memoirs of his life*,* relates, that (on the proposition in question being made by the king of France, the queen, being present at the conversation, would not allow her husband time to answer, but passionately declared, "that she would rather see her son dead than in possession of the crown to the prejudice of his father." The idea of his being educated a protestant, filled them with horror; and, persuaded that the acquisition of a temporal must be attended with the loss of a celestial crown, they declined without hesitation an offer which appeared to them so extremely disadvantageous.

The campaign on the Rhine, on the banks of which vast armies were every year regularly assembled, passed like several of the preceding ones in almost total inaction. The chief effort of the French this summer was made in Catalonia: for the court of Versailles, being fully aware that the pride of Spain was the grand obstacle in the way of peace, was resolved to convince them how unable they were to carry on the war, unsupported by those allies they now affected to neglect or contempt. Towards the end of May, the duc de Vendôme advanced at the head of a powerful army towards Barcelona; and the Spaniards retiring at his approach, the city was invested on the 12th of June; and the coast

* *Memoirs of the duke of Berwick*, vol. i. p. 157.

coast being no longer defended by an English fleet, the count d'Estrées, with a squadron of men of war and galleys, at the same time blockaded the port. The prince of Hesse Darmstadt, governor of Barcelona, made an able and resolute defence; but the place, after a siege of nine months, was compelled to capitulate; and the court of Madrid, by a loss so great and unexpected, was thrown into the utmost consternation.

Intelligence if possible still more alarming reached them nearly at the same moment. In the beginning of the year the French court had dispatched a squadron from Brest to the West Indies, with a view to seize the Spanish Plate fleet. M. de Pointis the commander, finding on his arrival at St. Domingo that the galleons had already reached the Havana, proceeded to Carthagena; of which, after a stout resistance, he made himself master, and found in it an immense booty in specie and merchandize, to the amount, as De Pointis says in his account, of eight millions of crowns. The French evacuated the place after demolishing the principal fort, and stood to sea with their plunder. Shortly after he left Carthagena, he fell in with the English fleet, cruising in those seas, near the Straights of Bahama, and much superior in force. But by favor of the winds he had the good fortune to escape, after a long and dangerous chase.

These events caused the Spanish court extremely to lower the loftiness of its tone, and much facilitated the conclusion of the treaty. The reluctance of the emperor still remained to be surmounted. The campaign in Hungary had this year been in the highest degree glorious to the Imperial arms. Prince Eugene of Savoy, already conspicuously distinguished by his talents and conduct in the Italian war, was, by a happy choice, appointed commander in chief of the Imperial armies on the Danube. The grand seignor again took the field in person; and his first motions indicating a design of penetrating into Transylvania and the Upper Hungary, prince Eugene advanced by forced and rapid marches

marches to cover the important fortress of Peterwaradin, apparently menaced by the Turks. The grand seignor, probably despising the youth and inexperience of the new general, halted at Zenta, and threw a bridge over the Theysse, which he passed with his cavalry, leaving his infantry open and exposed to an attack on the other side. The prince in the same moment saw and seized the advantage. Whilst the cavalry were still confusedly passing, and two hours of daylight only remained, the Imperial troops came up, and instantly charged the enemy with a spirit and vigor which sufficiently shewed the confidence they felt in their commander. In a short time all was dismay on the part of the Ottomans; and the tokens of an absolute rout became visible throughout the field. Retreat soon changed into flight; and no quarter being given, the carnage was terrible. The bridge, which all endeavoured to gain, was choked up with dead bodies, and thousands threw themselves into the river to avoid the fury of their sword. Of the enemy's camp, all the tents, not excepting the magnificent pavilion of the grand seignor himself, all their stores, ammunition, and provisions, one hundred and thirty pieces of cannon, several hundred pairs of colours, six thousand camels, five thousand horses, &c. &c. prince Eugene remained master. The grand seignor saved himself by flight, which the night favored. But the grand vizier was killed, and the seal of the empire presented to the conqueror. The aga of the Janissaries and twenty-seven bashaws were found also among the dead, the number of whom was said to exceed thirty thousand, including those drowned in the Theysse; while the loss of the Germans amounted to little more than two thousand men. His Imperial majesty, on receiving this intelligence, immediately dispatched a courier to the states-general, with a letter written in his own hand, acquainting them with the news of this decisive action, which he hoped would have induced them to retard, perhaps to break off, the negotiation. But the measures of their high mightinesses, concerted with the king of England, were

were unalterably fixed; and they received the news of this great victory with cold indifference, if not rather with secret vexation.

The intrigues of the court of Vienna in Poland, at this period, were productive of no less satisfaction to the emperor than the success of his arms in Hungary. One of the most signal events of the preceding year was the death of the celebrated John Sobieski, king of Poland, whose latter days cast a shade over the splendor of his former fame. On his demise the kingdom was as usual distracted by the rage of opposing factions. The candidates for the vacant crown were very numerous. The duke of Lorraine, the princes of Baden and Neuberg, and don Livio Odescalchi, nephew to the late pope Alexander VIII. were amongst the earliest competitors for this tempting prize; but, finding their weakness, soon withdrew their pretensions. And the contest was then confined to prince James, eldest son of the late king, the prince of Conti, and Augustus elector of Saxony, who was the last to declare himself. The abbé Polignac, ambassador of France at Warsaw, had, by great address and lavishing vast sums of money, secured, as was thought, a decided majority of votes in favor of the prince of Conti. But prince James, perceiving the prospect of success hopeless as to himself, was prevailed upon to throw his interest into the scale of the elector of Saxony, who by this means greatly outnumbered his antagonist the prince of Conti. But the archbishop of Gnesna, primate of Poland, whose office it was to declare the election, being in the interest of France, protested against the compromise as a collusion, and proclaimed the prince of Conti. Repairing forthwith to the cathedral, he caused *Te Deum* to be sung for an act which threatened to involve the kingdom in a civil war. On the other hand, the bishop of Cujavia proclaimed the elector king of Poland, and sung *Te Deum* on the spot; and the new king afterwards made his entry in triumph into Warsaw. The prince of Conti, on his subsequent arrival, found his opponent already in possession of the kingdom; and after a short and ineffectual struggle he was compelled

compelled to return full of chagrin and resentment to France. The elector of Saxony was under the disgraceful necessity of changing his religion, in order to qualify himself to fill the throne of Poland; and from this æra the house of Brandenburg acquired the great political advantage of being regarded as the head of the protestant interest in Germany, while the strength and riches of Saxony were exhausted, to enable the elector king to maintain possession of a crown which proved to be a crown of thorns.

During the negotiations at Ryswick, the court of St. Germaine's amused itself by publishing a succession of manifestoes, of which no one condescended to take the slightest notice. In a memorial addressed to all the princes and powers of Europe, dated June 8th, 1696, king James solemnly protests against all that should be concluded to the prejudice of his *incontestable rights*. "We beseech," says this forlorn and abandoned monarch, "those princes to consider how dangerous the example they give may prove to themselves;—and that the case of all sovereigns is implicated in ours. We make it our *demand*, that they would contribute to re-establish us in our kingdoms; that they would reflect on the glory they would derive from a resolution so conformable to the interests of those who have an inheritance in their dominions——In conclusion, he denounces as utterly invalid, all Acts which directly or indirectly confirm, authorise or approve the usurpation of the prince of Orange, the Acts of his pretended parliament, and all others tending to reverse the fundamental laws of the realm touching the order of succession; reserving all his regal rights and claims, which do remain, according to the words of the instrument, and shall remain in their full force, and which no extremity shall oblige us to renounce or compound." James had, through the medium of his ambassador the earl of Perth, solicited the pope to exert his influence with the catholic princes, to prevent any peace being made injurious to his interests, which the ambassador said would be a stain upon his holiness's reputation, and a reflection

reflection upon the apostolic chair. The pope acknowledged this to be true. "But what," said he, "can we do? The catholic princes will not hearken to me: they have lost the respect that used to be paid to popes. Religion is gone, and a wicked policy set up in its place. The prince of Orange is master: he is arbiter of Europe. The Europeans and king of Spain are slaves, and worse than subjects to him: they neither will nor dare venture to displease him."—and here he struck twice with his hand upon the table, and sighed. "If God," said he, "do not by some stroke of omnipotency do it, we are undone!" In a subsequent dispatch the earl of Perth declares it to be scandalous to hear the comparisons publicly made between an heretical, unnatural, usurping tyrant and his majesty.—It is the common conversation at Rome, that the prince of Orange must be a great man, who never gives over, but pushes on, though repelled again and again; and that, at last, such a one must accomplish his designs.—Macpherson's Papers, vol. i. p. 533.

On the 20th of July, the ambassadors of France delivered in a paper of far different magnitude and moment—being the *ultimatum* of that court, which varied very little from the preliminary concessions. And animated by the recent success of their arms, a declaration was made, "that it was to be accepted by the last day of August; or, if not, she should hold herself as much at liberty to recede, as the allies to refuse." But the count de Kaunitz, the Imperial ambassador, protested that he would pay no regard to that limitation. On the 30th of August, nevertheless, the count delivered to the mediator a paper, signifying the concurrence of his court in the terms proposed, but refusing the equivalent offered for Strasburg. Far from making any farther concession, the French ambassador declared, "that the term prescribed for the acceptance of the ultimatum being now expired, all his offers were vacated—that therefore the king of France would reserve Strasburg, and unite it,

it, with all its dependencies on this side the Rhine, to his crown for ever—that in other respects he would adhere to the projet, and restore Barcelona to the crown of Spain; but that these terms must be accepted in twenty days, otherwise he should think himself at liberty to refuse.” In consequence of this peremptory declaration, on the 20th of September, 1697, at midnight, the articles were signed by the English, Dutch, Spanish and French ministers, notwithstanding all the arguments and remonstrances of the Imperial ambassador against it; and on almost precisely the same conditions which were offered by France eight months before.

Notwithstanding the refractory conduct of the court of Vienna, not only was the negotiation between France and the emperor still continued, but an armistice concluded; and the Imperial ambassador at length declared the willingness of the emperor to accept an equivalent for Strasburg, if to Fribourg, Brisac, Kehl and Philippsburg already offered by France, were also added Landau, Fort Louis, Saar Louis and Mont-royal, with a requisition of some farther concessions respecting Lorraine. This extravagant demand being rejected rather with contempt than anger on the part of France, the Cæsarean pride at length condescended to sign the articles of the peace on the 30th of October—the confederate powers having previously stipulated that the emperor and the empire should be allowed to the first of November to notify their accession to the treaty. In one of the articles of this treaty it was settled, that in the places to be restored by France the Roman catholic religion should continue as it had been established. The protestant princes of the empire, with the elector of Brandenburg at their head, demanded that the Lutheran religion should be reinstated in its former rights; but this requisition was of no avail, being equally disagreeable to the courts of Versailles and Vienna. They then refused to sign the treaty, and joined in a formal protest against this article. The king of
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France seemed to value himself not a little upon this proof of his piety and zeal for the interests of the catholic church—for, in his mandate to the archbishop of Paris to cause *Te Deum* to be sung at Notre Dame on the exchange of the ratifications; he says, "The moment appointed by Heaven to reconcile the nations is arrived. Europe is at peace. The ratification of the treaty which my ambassadors had concluded with those of the emperor and the empire has rendered that peace perfect. Strasburg, one of the principal ramparts of the empire and of *HERET*, for ever united to my crown—the Rhine made the barrier between France and Germany; and, what touches me still more nearly, the worship of the true religion authorised by solemn stipulation within the very walls of sovereigns of a different religion, are the advantages of this last treaty."

The king of England returned from the Continent in the month of November, and was received in the metropolis with every demonstration of loyalty and satisfaction; and addresses of congratulation were presented from every part of the kingdom, on the conclusion of a peace, the fair and reasonable terms of which were justly ascribed throughout Europe, not to the moderation and equity of Louis XIV. who had given during his reign so many proofs of unbounded and unprincipled ambition, but to the wisdom, fortitude and resolution of the king of England, who would listen to no conditions which left France in possession of its insolent claims and unjust encroachments. Even Luxemburg, the favorite acquisition of the most christian king, was restored without reserve to Spain, a full equivalent made for Strasburg, and all those *re-unions* in Germany and the Low Countries relinquished, which had formed the original ground for entering into this long and bloody contest.

The parliament met on the 3d of December, 1697; and the king expressed his satisfaction that the war into which
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he had entered by the advice of his people, was at length terminated by an honorable peace. In the course of his speech he pronounced the circumstances of affairs abroad to be such as to oblige him to declare his opinion, that, FOR THE PRESENT, England could not be safe without a land force: "and I hope," said the monarch, "that we shall not give those who mean us ill the opportunity of effecting that under the notion of a peace, which they could not bring to pass by a war."

This paragraph of the king's speech threw the parliament and the nation into the highest ferment. It plainly indicated the king's predetermination to maintain a standing army in time of peace—a thing odious to the friends of freedom; and which was in this country unknown and unattempted by any of our sovereigns till the late reign, when it was directed to the worst of purposes. The revival of this execrated project was universally ascribed to the earl of Sunderland; who, in the insignificant post of lord-chamberlain, acted as first minister—and whose pernicious counsels were, by a strange fatality, with no less eagerness embraced by the present than the former monarch. The commons in their address, which was framed in very high terms of respect, congratulating his majesty as having by the late honorable and advantageous peace completed the glorious work of national deliverance, preserved a profound silence on this topic. And when the question came within a few days to be debated in the house; the patriots and anti-courtiers, exerting their united strength, carried, on a division of one hundred and eighty-five members against one hundred and forty-eight, of whom one hundred and sixteen were placemen, a resolution importing that all the forces raised since the year 1680 should be disbanded. By this vote, the whole number of troops to be maintained did not exceed eight thousand men. "A standing army was affirmed to be inconsistent with a free government, and absolutely destructive of the English constitution.

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A STANDING ARMY ONCE ESTABLISHED, WAS ESTABLISHED FOR EVER: and the records of every country and of every age had shewn that the establishment of a military force had been ever fatal to liberty. A people are no longer free when the sword is wrested out of their hands, and transferred to an army of mercenaries. If the people have not a power within themselves to defend themselves, they are no free nation. It is an opinion professed by the famous Machiavel, and which he undertakes to prove in form, that the prince ought not to suffer the people to acquire the knowledge of arms. No writer, it was said, had ever treated on the subject of a free government, without expressing his detestation of a standing army. 'Whoever,' says lord Bacon, 'doth use them, though he may spread his feathers for a while, will mew them soon afterwards.' In a word, if a standing army is once established, all that the nation has gained by the Revolution is a precedent in favor of resistance, which they would never be permitted to have the benefit of any more."

The popularity of the ministers suffered greatly by this unsuccessful attempt; and the most severe and bitter reflections were thrown out in the house of commons at lord Sunderland, who, as was universally believed, originally suggested, or at least encouraged and incited this obnoxious project. One striking feature of the character of Sunderland appears to have been pusillanimity. His daring and ambitious designs were governed and regulated by an anxious and incessant attention to his personal safety. He knew himself to be detested by the tories and distrusted by the whigs, who on the present occasion joined in what might be styled the national clamor against him. Dreading the disgrace, and, what was to him far worse, the danger of parliamentary censure, he resolved upon a resignation of his office of lord-chamberlain, to the infinite chagrin of the king, who "earnestly desired," to use the expression of bishop Burnet, "that he would continue about him." But
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the fugacity of Sunderland saw a storm arising which he had not courage to encounter. The post of chamberlain was kept vacant near two years, in the hope doubtless of his re-acceptance ; during which interval it was supposed he received the emoluments of the office : but the succeeding events of the reign were not such as would incite him to resume it.

The king was beyond measure mortified and displeased at the late resolution of the house of commons. Conscious of the integrity of his own views, and convinced of the propriety and necessity of the recommendation in his speech, he considered the refusal of the house in the light of a personal and public affront. He told the bishop of Sarum, " that he thought it would derogate much from him, and render his alliance so inconsiderable, that he doubted whether he could carry on the government after it should be reduced to so weak and contemptible a state. He said, that if he could have imagined, that, after all the service he should have done the nation he should have met with such returns, he would never have meddled in our affairs. And that he was weary of governing a nation that was so jealous as to lay itself open to an enemy, rather than trust him who had acted so faithfully during his whole life that he had never once deceived those who trusted him." Forcible and acute as his feelings were upon this occasion, he abstained from all public indications of spleen or discontent ; and the commons, who appeared to have acted from the most upright and patriotic motives, to soften the unavoidable harshness of a resolute non-compliance in a matter of so great moment, now granted the king, what he had formerly placed much stress upon, a revenue for life, and raised the civil list to the sum of 700,000*l.* per annum.

Early in the year 1698, the old contest between the East India company and the Associated Merchants who had shewn themselves so eager to supplant them, was revived with undiminished animosity. It had been intimated to
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the company at one of their general courts, by persons supposed to be in the confidence of ministers, that, in consideration of a loan to be advanced by them to government at a low interest, their charter might now be renewed, and a monopoly of the trade secured to them. Too hastily believing all opposition at an end, they received this proposition with unexpected coolness; on which Mr. Montague, chancellor of the exchequer, set on foot a negotiation with the merchants their antagonists. No sooner was this intelligence conveyed to them, than they made an offer of the sum of 700,000*l.* at the low interest of 4 per cent. But the opposite party had already closed with the terms of Mr. Montague, and agreed to advance the sum of no less than two millions at 8 per cent. to government, in consideration of a new charter securing to them an exclusive trade to India; and in the month of May a Bill was ordered to be brought into the house conformable to these conditions.

The existing company, now fully roused, and in the highest degree alarmed, made their appeal to the justice and equity of the parliament, representing "their rights and claims under a succession of charters, particularly the last, no forfeiture of which either had been or could be pretended. They urged the regard due to the property of above a thousand families interested in their stock, especially of the new adventurers, who had subscribed, agreeably to the resolutions of parliament, no less a sum than 744,000*l.* on the credit and faith of the new charter. They alleged that they had expended upwards of a million sterling in their buildings and fortifications in India; that during the war they had lost twelve ships, worth 1,500,000*l.* They stated the great sums they had paid in customs and taxes, and the services they had rendered to government in the circulation of exchequer bills, and in various other respects, which were at the time acknowledged to be seasonable and important. And they observed it was the constant custom in farms, bargains, and offers of the like nature, not to close
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with a new proposal till the first bidder be asked whether he is able to advance farther. For though a power was reserved to the king, by a clause in the last charter, to dissolve the company upon three years' notice, it could never be imagined that this power would be arbitrarily or capriciously exercised; and no apprehension had been entertained that such dissolution would take place in favor of a set of *interlopers*, but in consequence of some culpability chargeable on the company, or some injury sustained by the nation."

To this the advocates for the new company replied, "that the charter upon which the existing company laid so great stress was well known to have been obtained by indirect and corrupt means, as the vast sums paid out of the company's stock for *special service*, agreeably to actual depositions at the board of council, and the reports of the house of commons, clearly proved—that the charter was in itself illegal and void, as the persons they were pleased to style *interlopers* demonstrated before the late queen and privy council—the crown having no power to grant any such exclusive commercial monopoly. That in queen Elizabeth's time a variety of similar patents or charters of monopoly had been, in consequence of the representations of parliament, revoked and cancelled; and that it was never deemed a breach of public faith, or any derogation from the honor of the crown, to annul by act of parliament such grants as were thought by the great council of the nation not to be profitable, or to be against the common right of the subject. That, by *deluding* a number of persons into a new subscription to the amount of several hundred thousand pounds in the then condition of the company's affairs, they were guilty of a fraud upon the public; though the subscribers themselves were little entitled to compassion after the repeated warnings they had received. And that it might be presumed from the severe notice which had been taken of the delinquencies of the directors in parliament, that, if the greater affairs of the nation had not been so urgent,

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gent, they would have had such justice done them as would have effectually precluded all complaints of that imaginary injustice to which they now stood exposed."

It is material to observe, that from the commencement of this intricate investigation the tory interest greatly predominated amongst the members of the old company, and that the associated merchants were chiefly or entirely whigs; so that this was in fact a political as much or more than a commercial contest. And the different administrations of this reign being themselves composed of heterogeneous materials; the arguments for or against the establishment of a new company were found to be more or less convincing, as whigs or tories acquired the ascendancy in parliament or the cabinet. At this period the whigs possessed the chief share of power and influence; and in the business of finance, in particular, Montague, though only chancellor of the exchequer, was much more regarded than lord Godolphin, a tory, who filled, and with great knowledge and integrity, the post of first lord of the treasury. Under the powerful patronage of Montague, therefore, the Bill for the establishment of the new company finally passed the house of commons, and was sent up to the lords, where it had the same species of opposition to encounter. The question for the second reading of the bill was carried by sixty-five voices against forty-eight: twenty-one of whom, with lord Godolphin himself at their head, signed a vigorous protest against it. The opposition had now exerted their utmost strength, and the bill, after passing through the usual forms, received the royal assent.

Such was the popularity of the new Act, and such the zeal and opulence of its supporters, that in three days after opening the subscription-books the whole sum of two millions was subscribed, contrary to the prediction hazarded by the protesters; and to the astonishment of foreign nations, to whom this incident furnished a very striking proof, at the termination of a war of eight years' duration, of the
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unexhausted and apparently inexhaustible resources of the British nation. There were not however wanting many individuals of clear discernment, who, rising superior to the violence and to the prejudice of party, maintained that it was highly irrational to establish by law *any* corporation of commercial monopolists either foreign or domestic.—“ In the present instance, that the East India company—whether old or new, made no difference in the argument—constituting in fact only one buyer of all commodities proper for India, and one seller of all brought from thence, will endeavor to make themselves so much masters of the markets in both cases as to buy and sell with their own stated profits; whereas private free traders, being ignorant of each others’ designs, must take the markets every where as they find them—and it is most certain, that from the year 1653 to 1657, while the trade was free and open, the Dutch East India company suffered much by the low prices whereat the Indian commodities were sold by the English merchants. In the late reigns the East India company and the great bankers were thought dangerous to the nation, by the loans of great sums made on the credit of the exchequer only.— And in the present reign, the bank of England was expressly restrained by law from lending to the crown otherwise than on funds granted by parliament, with borrowing clauses authorising such loans. But if a new corporation with so great a capital be established, free from such restriction, and at liberty, under pretence of extending its commerce, to increase that capital to any amount, without any umbrage of hazard to the constitution, then may the nation be concluded for ever out of danger from any similar source of political abuse.”*

The apprehensions entertained by the most enlightened patriots of this period were but too well founded. Through the medium of the great commercial companies, the crea-

* Vide Letter concerning the East India trade.

tion of that hideous phænomenon, a funded national debt, and the consequent rapid increase of the national taxes, mortgaged for the payment of the annual interest accruing to the stock-holders, the crown now began to acquire an influence absolutely unknown to the constitution, and which, advancing with an accelerated velocity, has in the course of a century risen to an height threatening at the present moment to involve liberty, property, and the whole system of laws, commerce and constitution, in one vast and remediless ruin.

Complaint being in the course of the present session made of a book written by William Molyneux, esq. of Dublin, entitled, "The Case of Ireland's being bound by Acts of Parliament in England;" in which the dependence of that kingdom on the authority of the parliament of England was peremptorily denied; a committee was appointed to examine the same. And on the report of the committee it was unanimously resolved, "that the said book was of dangerous consequence to the crown and the people of England, &c."—and an address was thereupon presented to the king, stating the bold and pernicious assertions contained in the aforesaid publication, which they declared to have been more fully and authentically affirmed by the votes and proceedings of the house of commons in Ireland, during their late sessions—and more particularly by a bill transmitted under the great seal of Ireland, entitled, an Act for the better Security of his Majesty's Person and Government; whereby an act of parliament made in England was pretended to be re-enacted, and divers alterations therein made—and they assured his majesty of their ready concurrence and assistance in a parliamentary way to preserve and maintain the dependence and subordination of Ireland to the Imperial crown of this realm—and they humbly besought his majesty, that he would discourage all things which might in any degree lessen or impair that dependence." To which the king replied, "that he would take
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care that what was complained of might be prevented and redressed as the commons desired." Such was at this time the extreme political depression of Ireland, that this haughty procedure of the English parliament excited no visible resentment on the part of the Irish legislature: but a spirit very different has since arisen, which has produced great and momentous consequences; and which, if it be not counteracted by a policy far superior in wisdom to that which has hitherto characterised the reign of the present monarch, must unquestionably terminate in its final emancipation and separation from the crown of Great Britain.

The commercial no less than the political jealousy of the English parliament being now awakened with respect to Ireland; a second address, no less extraordinary in its kind than the first, was soon after presented to the king, representing to his majesty, "that, being very sensible that the wealth and power of this kingdom do in a great measure depend on the preserving the woollen manufacture as much as possible entire to this realm, that they thought it became them, *like their ancestors*, to be jealous of the establishment and the increase thereof elsewhere, and to use their utmost endeavours to prevent it—that they could not without trouble observe, that, Ireland, which is dependent on and protected by England in the enjoyment of all they have, and which is so proper for the linen manufacture, should of late apply itself to the woollen manufacture, to the great prejudice of the trade of this kingdom—that the consequence thereof would necessitate his majesty's parliament of England to interpose, unless his majesty by his authority and great wisdom should find means to secure the trade of England: and they implored his majesty's protection and favor in this matter;—and that he would make it his royal care to discourage the exportation and manufacture of wool in Ireland." To this the king with apparent complacency replied, "that he should do all that in him lay to promote the trade of England, and to discourage the woollen and encourage

courage the linen manufacture of Ireland." Thus by an absurd and barbarous policy was Ireland to be for ever debarred, for the supposed benefit of England, from making use of those advantages which God and nature had so bountifully bestowed. The Irish were indeed permitted to shear their flocks, but neither to export nor manufacture the fleeces. Could any natural calamity operate more fatally than such a prohibition? Even to this Ireland submitted with the silence and patience of the lamb, which "licks the hand just raised to shed its blood." Nor was it yet foreseen, that she would one day burst asunder with proud indignation those bonds of oppression by which England hoped to retain her in everlasting dependence and subjection.

The violation of the plainest dictates of social and political morality is very consistent with the most fiery and intemperate zeal for the HONOR of RELIGION; which is indeed too often regarded as an atonement for moral depravity. In the sad history of the human mind, we even see the deepest injuries inflicted by men, blind and bigoted, on each other, on the presumptuous and impious pretence of "glorifying God"—the almighty and beneficent author of a system whose great object and tendency is universal happiness. These reflections naturally arise, from contemplating with philosophic attention the passing series of events. The scholastic disputes of theologians would be too insignificant, and for the most part too absurd, to merit the notice of History, if the occasional interposition of the civil power did not confer upon them an artificial and extrinsic importance. This year was distinguished in the annals of the church by a vehement controversy between two divines of profound tradition, Sherlock and South, respecting the mystery of the Trinity—the former of these maintaining the existence of three eternal minds; and the latter, of three personal substances in one divine essence. The two grand combatants could boast on either side a numerous band of partisans and admirers; each branding the other with HERESY and hostility

hostility to the Christian faith. When noise and nonsense were at the height, and this miserable folly of contention against folly on the eve therefore of subsiding; the king was addressed by the commons, the whole house attending, as on the most solemn occasions, with the Speaker at their head, "to issue his royal proclamation for putting into execution the good laws now in force, against profaneness and immorality—and that he would give effectual orders for the suppression of all pernicious books and pamphlets containing impious doctrines against the Holy Trinity." For there were very many persons, who, finding the learned doctors of the church so much at variance amongst themselves on this subject, ventured openly to deny and reject the whole—affirming that Reason and Scripture concurred in teaching that there was but one only living and true God; that the Trinity was a popish term, and a popish invention; no traces of which were to be found in the genuine canon of scripture.*

But the house of commons, not satisfied with what they had already done, enacted, with the ready concurrence of the upper house, "that if any person educated in the Christian religion shall deny the same to be true, or the holy scriptures to be of divine authority, or impugn the doctrine of the Holy Trinity, he shall be incapable of holding any office or place of trust, and for the second offence be disabled from bringing any action, or from acting as guardian, executor, legatee, or purchaser of lands, and shall suffer three years imprisonment without bail." Thus did this parliament arrogate an authority utterly inconsistent with the first

* The famous text of St. John, "There are three that bear witness in heaven, &c." which seems to give countenance to the established doctrine, and which has long lain under the suspicion and imputation of being an interpolation, is now, by the united labors of Porson, Marsh, Griesbach, Poppelbaum, and other critics of the first eminence, demonstrated to be surreptitious, beyond the possibility of doubt or cavil.

first principles of protestantism—which can never rest upon any other foundation than the broad and solid basis of the right of private judgment in matters of religion. If this is relinquished, the church of England herself is guilty of heresy and schism in separating from the church of Rome, which condemns those to the flames who deny the mystery of Transubstantiation, with incomparably greater consistency than the protestant church or parliament of England can inflict penalties worse than death on those who reject the mystery of the Trinity.

On the 5th of July, 1698, the king in a handsome speech expressed to the parliament the sense he entertained of the great things done by them for the safety and honor of the crown, and the support and welfare of the people. The parliament was then prorogued, and in two days after dissolved, having now sat its full period of three years.

The power of government was at this æra vested chiefly in the hands of lord Somers, lord Orford, and Mr. Montague—a bold and aspiring genius, who had recently attained the summit of his ambition by superseding lord Godolphin as first commissioner of the treasury. He was originally introduced into public life under the patronage of lord Sunderland. In this connection each had his purpose to serve, and the high-spirited Montague quickly learned to throw off his dependence, and rely with confidence on his own resources and abilities for support. The chief alteration discernible in the state of things at court, was the earl of Portland's decline of favor with the king, and the rapid rise of the earl of Albemarle, son of M. Pellant lord of Keppel in Guelderland—a young man of an agreeable person and address, and endowed with all the arts and accomplishments of a complete courtier.

The earl of Portland, like other court favorites, saw this rivalry with extreme uneasiness; but his remonstrances served only to excite dislike and displeasure. The king however, whose esteem survived his affection, sent this nobleman,

bleman, at the conclusion of the war, on an honorable embassy to Paris, where he displayed and was in return entertained with unusual splendor and magnificence. The secretary of the embassy was the celebrated Prior; who passing, as it is related, through the grand apartments of Versailles, and being shewn those fine pieces of Le Brun which represent the victories of Louis XIV. was asked by the officer who attended, "Whether king William's actions were also depicted in his palace?" "No, sir," replied the Englishman, "the monuments of my master's actions are to be seen every where but in his own house." The earl of Portland, on his return, finding his influence over the king in a manner extinguished, and the star of Keppel predominant, resigned in unspeakable chagrin the places he had held for near ten years in the royal household. Sir William Trumbull, his intimate and confidential friend, had been some months before succeeded in his office of secretary of state by Mr. Vernon, a man long conversant in business, and who had been several years under-secretary to the duke of Shrewsbury.

The duke of Gloucester, only son of the prince and princess of Denmark, having now attained to the tenth year of his age, the king allotted him a separate establishment, appointing the bishop of Salisbury his preceptor, and for governor the earl of Marlborough, who was now fully reinstated in the royal favor. On delivering the young prince into his hands, the king said, "My lord, teach him to be what you are yourself, and I am satisfied."

It must not be omitted, that Peter czar of Muscovy, whose ardent genius incited him to traverse Europe for the purpose of transplanting the arts of civilization from foreign countries into his native land, passed several months of the preceding winter in England; but no indications were visible, except to the discerning few, of those great talents which, in the sequel, rendered his name so illustrious.

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In the course of the summer, a session of parliament was held in Scotland; the earl of Marchmont, lord chancellor, being appointed high commissioner. That kingdom was in a state of great and general inflammation, in consequence of the steps taken in England in relation to the famous Commercial Bill passed in the former session. And at an early period of their meeting, an animated representation was presented to parliament by the company, stating "the loss and disappointment they had suffered from the withdrawal of the English subscriptions; in lieu of which, they had published similar proposals in the city of Hamburg, which had met with extraordinary success, 200,000*l.* being subscribed by the merchants there in a very short time. But, to their great surprise, a stop was put to this business, by a memorial delivered to the senate by special warrant from his majesty, not only disowning the authority under which they acted, but threatening both senate and inhabitants with the king's utmost displeasure if they should countenance or join with them in any treaty of trade or commerce." The parliament, participating strongly in the feelings of the nation, voted immediately a petition to the king, in which, not content with "humbly entreating," they added "that they did most assuredly EXPECT that his majesty would take such measures as might effectually vindicate the undoubted rights and privileges of the said company, and support the credit and interest thereof." The king being abroad, no answer could be returned previous to the termination of the session; which in the beginning of September was adjourned to the 25th of November; but the company found, to their great chagrin, that no sensible effect whatever was produced by it.

In this interval, the parliament of Ireland also assembled at Dublin. The session passed with no memorable occurrence. Conformably to their instructions from England, the earl of Galway, and the other lords justices, recommended to parliament to desist from the prosecution of the woollen manufacture, and to encourage the linen and hempen; the latter
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of which the commons, in their address, reply “ that they shall heartily endeavor ; and, with respect to the woollen trade, they tamely express their hope to find such a *temperament*, that the same may not be injurious to England.” This *temperament* proved to be nothing more or less than a heavy duty on the exportation of woollens, which, with other subsequent discouragements, effectually crushed that beneficial and growing branch of commerce.

At the latter end of July, 1698, the king embarked for the Continent, vesting the government of the kingdom, as before, in a Regency, of whom the earl of Marlborough was one. Previous to his departure, he left sealed orders with the regents, conformably to which 16,000 troops were to be kept up, though, by a vote of the house of commons, the number was limited to 10,000. But the king gave as a reason, that no determinate number was mentioned in the act, and that the illness of the king of Spain, and the near prospect of his dissolution, made it advisable at the present crisis not farther to reduce the standing military force of the kingdom.

It was now the grand object of the king of England, after all the toils and dangers he had undergone, by fixing the balance of power in Europe to establish and, if possible, perpetuate its tranquillity. The health of the king of Spain was such, that he could not be expected long to survive : and upon whom the succession of that vast monarchy and its appendages should then devolve, became a matter of the most serious and anxious consideration. The emperor claimed the whole as his indubitable right in the capacity of heir general of the house of Austria, and nearest in blood of the male line descended from Philip and Joanna, king and queen of Spain : and by one of the articles of the league of Augs- burg the maritime powers engaged to assist the emperor with all their forces, in the event of the king of Spain’s demise, in taking possession of the same. The other great claimant was the king of France, in right of his wife Maria Teresa,

Teresa, eldest daughter of Philip IV. who had indeed, on her marriage, renounced all pretensions to the succession of Spain. But this renunciation was held by the majority of the Castilians to be null and void in itself, as contrary to the rights of nature, and to the fundamental laws of the Spanish monarchy, which maintained the lineal order of succession without distinction of male or female. It is remarkable that Leopold himself derived his claim from a female stock. For Philip of Austria, the common ancestor of the two branches of that potent house, reigned in Spain only in right of his wife Joanna, daughter of Ferdinand and Isabella, in whom the kingdoms of Arragon and Castile were united.

At this period king William was much displeased with the emperor for his haughty and pertinacious refusal to concur in the late treaty. The lofty ideas cherished at the original formation of the league of Augsburg were now by time and experience extremely lowered. It was not to be imagined that the king of France would relinquish his claim without a valuable equivalent; and it could not but occur, on cool and impartial reflection, that the balance of Europe might be nearly as much endangered by transferring the undivided monarchy of Spain to the house of Austria, as to the house of Bourbon. The mind of the king of England being strongly impressed with these ideas; the earl of Portland, on his late embassy to Paris, had instructions to communicate to the most christian king the project of an eventual TREATY OF PARTITION relative to the Spanish monarchy, devised by the king of England for the purpose of preventing the revival of those bloody and furious contentions which had been so recently and happily terminated; and to ensure to Europe the blessings of a general and lasting peace. These overtures were favorably received by the court of Versailles; and on the arrival of the king of England at Loo, the plan was finally digested and arranged by this monarch, in concert with count Tallard, the French ambassador. The terms of the treaty were extremely unfavorable

favorable to the house of Austria, to whom the duchy of Milan only was allotted as an *appanage* for the archduke Charles, younger son of the emperor. The Sicilies, Sardinia, and all that Spain possessed to the north-eastward of the Perencees, comprehending the towns of Fontarabia and St. Sebastian, were to be annexed for ever to the monarchy of France. And Spain and the Indies, with the Low Countries, were given to the electoral prince of Bavaria, an infant scarcely seven years of age, descended from the emperor Leopold by his first empress, Margaret Teresa youngest daughter of Philip IV.

The scheme being thus far perfected, the king wrote a letter from Loo to lord Somers, dated August the 15th, 1698, expressed in the following cautious terms: "I imparted to you before I left England, that in France there was expressed to my lord Portland some inclination to come to an agreement with us concerning the succession of the king of Spain; since which count Tallard has mentioned it to me, and has made such propositions, the particulars of which my lord Portland will write to Vernon, to whom I have given orders not to communicate them to any other besides yourself, and to leave to your judgment to whom else you would think proper to impart them; to the end that I might know your opinion upon so important an affair, and which requires the greatest secrecy. IF IT BE FIT this negotiation should be carried on, there is no time to be lost; and you will send me the full powers under the great seal, with the names in BLANK, to treat with count Tallard."

In reply, the chancellor, then indisposed at Tunbridge, wrote to the king, saying, "that lord Orford, Mr. Montague, and the duke of Shrewsbury had been made acquainted with the subject of his majesty's letter, and stating, though in faint and feeble terms, the various objections which occurred to them on the perusal of the papers transmitted by the earl of Portland."—"As to what would be the future condition of Europe if the proposal took place, we thought ourselves."

ourselves," says the chancellor, with surely too great a refinement of modesty, "little capable of judging. But it *seemed* that if Sicily was in the French hands, they will be entirely masters of the Levant trade; that if they were possessed of Finale and those other sea-ports on that side, whereby Milan would be entirely shut out from relief by sea, or any other commerce, that duchy would be of little signification in the hands of any prince. And that, if the king of France had possession of that part of Guipuscoa which is mentioned in the proposal, besides the ports he would have in the ocean, it does seem, he would have as easy a way of invading Spain on that side as he now has on the side of Catalonia." After all, lord Somers concedes in the king's favor the grand points, that England was not disposed to enter into a new war; that France could not be expected to relinquish so rich a succession without considerable advantages; and that the king would no doubt reduce the terms as low as could be done; and he concludes with sending the *blank commissions* under the great seal, as required.

The object of WILLIAM was most assuredly to prevent a future desolating and destructive war in Europe. But, could it be imagined by a prince so celebrated for sagacity, that the emperor would acquiesce in an arrangement so injurious to his interests, and so contrary to his pretended rights? Would the court of Madrid ever be prevailed upon to confirm this arbitrary distribution of its territories, equally incompatible with national dignity and national prejudice? Could the sincerity of France itself be depended upon in this business? The court of Versailles had probably too much political penetration to expect this project to be peaceably executed. They hoped by these means to secure the amity, or at least the neutrality, of England; and any opposition from the emperor would disengage them from the obligation of confining themselves, if successful, within the letter of the Treaty. "It does not appear," says lord Somers, in his famous letter to the king, "in case this negotiation should

should proceed, what is to be done on your part, in order to make it take place : whether any more be required than that the English and Dutch should sit still, and France itself to see it executed. If that be so, what security ought we to expect, that, if by our being neuter the French be successful, the French will confine themselves to the terms of the treaty, and not attempt to make farther advantages of their success ?” In these circumstances, a severe but obvious and indispensable duty was imposed on the lord chancellor to represent to the king, in the most energetic language, the pernicious consequences which must inevitably result from this strange and impracticable project ; and peremptorily to refuse, at the risque of incurring the utmost displeasure of the king, to transmit the extraordinary and unconstitutional commission required of him. Even supposing, against all probability, the eventual acquiescence of Spain and the emperor in this treaty, what arrangement more favorable to the interests of France could even the caprice of chance devise, than the present, by which so many rich and valuable provinces were incorporated with her empire ?

The grand object of the king and kingdom of Spain was to preserve unimpaired, by a simple and absolute devolution to one of the rival claimants, the unity and grandeur of the Spanish monarchy. But the courts of Vienna and Versailles did not for a moment indulge the hope, that Europe would permit the crown of Spain to be held in conjunction either with the Imperial or Gallic diadem. The real views and efforts of the emperor were directed to the exaltation of his second son the archduke Charles ; and of the king of France, of his grandson the duke of Anjou, second son of the Dauphin, to the Spanish throne : and it was a maxim universally received amongst the Spaniards themselves, that the empire of Spain could neither be dismembered on the one hand, or absorbed and swallowed up in the vortex of any collateral power on the other. The king of Spain had shewn himself sufficiently inclined to favor
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the pretensions of the house of Austria, in contradistinction to those of the house of Bourbon ; but his vanity was flattered by the adulatory solicitations of the rival powers, and his jealousy alarmed at the idea of an irreversible settlement of the succession ; so that his weak and feeble mind, though he had death in near and terrific prospect, could not attain to any resolute and steady decision.

The commission under the great seal of England had no sooner arrived, than the treaty was formally signed by the earl of Portland and sir Joseph Williamson, ambassador at the Hague, on the part of the king of England, and on that of the king of France by M. Tallard, in the preamble of whose powers it is said, “ that the desire of maintaining the peace of Europe, together with the esteem and friendship which Louis king of France and Navarre had conceived for his most-dear and most-beloved brother the king of Great Britain, had induced him to enter into closer engagements with his said brother, and to concert with him the necessary measures for preventing such emergencies as might occasion a new war, &c.” Such was the surprise and such the delight excited in France when the contents of the treaty were divulged, that we cannot wonder at the remark said to be made on the occasion, “ *Voici un roi d’Angleterre encore plus commode pour nous que n’étoit le roi Charles !*”

The treaty of partition was succeeded by a triple league between England, Holland and Sweden ; not only importing perpetual amity and reciprocal assistance in case of invasion or attack, but professing to guaranty the peace of Europe against all aggressors.

The mediation of the maritime powers, so repeatedly offered, and as often declined or evaded, was at length accepted in form by the Imperial and Ottoman courts, and a general pacification, after a negotiation of several months, was concluded January, 1699, at Carlowitz ; by the terms
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of which the emperor was allowed to retain all his recent acquisitions and conquests. Russia, Poland, and Venice, the other belligerent powers, successively acceding to the treaty; the former was gratified by the cession of Asoph, Caminiek was restored to Poland, and the Morea, with several fortresses in Dalmatia, yielded to the Venetians. Europe was therefore once more permitted to enjoy throughout the wide extent of her kingdoms and empires an universal, but precarious and short-lived, tranquillity.

BOOK IV.

Session of Parliament. Declining popularity of the whigs. High debates respecting the army. King compelled to part with his Dutch guards. Affairs of the East India company. Resignation of the earl of Orford. Bill for appropriating the Irish forfeitures. Dismissal of the duke of Leeds. Affairs of Scotland. Intrigues of France at the court of Madrid. Second treaty of Partition. Resentment of the court of Madrid. Tories reinstated in administration. Piracy of Kydd. Malignant accusations against lord Somers. Severe penal act against the papists. East India affairs. Bill to treat concerning a Union. Report relative to Irish forfeitures. Bill of Resumption. Dismissal of lord Somers. Affairs of Scotland. State of Europe. Treaty of Travendahl. Death of the duke of Gloucester. Demise of the king of Spain. Violation of the second Treaty of Partition by France. Its political consequences. Session of Parliament. Predominance of the Tories. Debates respecting the Spanish succession. High demands of the maritime powers. The lords Portland, Orford, Somers, and Halifax impeached. Act of Settlement. Angry disputes between the two houses. Kentish petition. Proceedings of the convocation. Second Grand Alliance. Military transactions in Italy. Death of king James II. Recognition of the pretender by France. Departure of the English ambassador. Resentment of the English nation. Whigs regain their ascendancy and popularity. Session of Parliament. Energetic speech of the king. Bill to attain the pretender. Bill of Abjuration. Illness and death of the king. His character.

THE king returned not to England till the month of December, 1698, and the nation seemed not well pleased that their sovereign, now that the war was terminated, should continue

time to pass six months of the year upon the Continent—the greater part of it spent, as was well known, in indolent retirement at Loo.

The new parliament, which had been originally convened for the 27th of September, had been somewhat trifled with, after assembling in town, by short and repeated prorogations; and at last met December the 6th, in a humour not very placid. Various causes concurred to irritate and inflame the minds of the people and of the parliament at this period, and to depress the credit of the whigs; amongst which the chief was the unconstitutional attempt made in the last session to maintain and perpetuate a standing army in time of peace. The next in magnitude was the recent establishment of the Scottish mercantile company, which continued to excite great and increasing alarm in the commercial world. The third was the erection of a new East India company; by which the tories were beyond measure exasperated, and which they took infinite pains to represent as an instance of unparalleled partiality and oppression on the part of the whigs. The choice made by the commons of Thomas Lyttleton as speaker was nevertheless considered as a favourable omen by the court; but the inference proved very fallacious.

The king in his speech strongly urged to the parliament, as a matter which demanded their immediate consideration, what force ought to be maintained at sea and land, this year. “To preserve,” said the monarch, “to England the weight and influence it has at present on the councils and affairs abroad, it will be requisite Europe should see you will not be wanting to yourselves.” The indiscreet conduct of the king in retaining a military force so much larger than the last parliament had voted or provided for, could not in the discussion of this speech remain longer unacknowledged: and the resentment, or rather rage, of the commons instantaneously broke out in a very unusual manner. Omitting to return any answer or address whatever to the throne,

throne, they proceeded to pass a resolution, "that all the land-forces in English pay, exceeding seven thousand men, and those consisting of his majesty's natural-born subjects, be forthwith disbanded." "If," said sir Charles Sedley, speaking in support of the resolution, "we are true to ourselves, these are enow; if not, 100,000 are too few."

The ministers, seeing the temper of the house, would not venture to oppose the torrent; and the bill founded upon the resolution passed almost without debate. Nothing could exceed the mortification and chagrin manifested by the king upon this occasion. It is even affirmed that he harboured serious thoughts of abandoning the government to a Regency nominated by parliament, and fixing his residence in Holland: and there is extant a speech, which it is pretended he had resolved to make to the two houses on announcing to them his intention. But this peevish and splenetic idea, if it was ever entertained, was almost as soon relinquished.* Lord Sunderland, who knew human nature too well to give easy credit to such surmises, on being informed that the king threatened to throw up the crown, exclaimed with sarcastic contempt, "Does he so? There is Tom Pembroke—meaning the earl of Pembroke—who is as good a *block of wood* as a king can be cut out of; we will send for him, and make him our king!"†

On the 1st of February, 1699, the king went to the house of lords, and gave the royal assent to the bill, according to his own declaration, "as soon as he understood it was ready." At the same time he expressed his opinion in a speech to both houses, "that there was great hazard in breaking such a number of troops, and his chagrin at the removal of those guards which had come over with him to their assistance, and who had constantly attended him in all the actions wherein he had been engaged. But as nothing could be so fatal as any distrust or jealousy between

* Burnet. Tindal, vol. ii. p. 467.

† Ralph.

tween him and his people, he had for that reason alone been induced to pass the bill : and he desired not to be considered as responsible for its consequences." The house of commons were now so far gratified as to present an address to the king, acknowledging themselves " sensible of the difficulties he had undertaken, the labors he had sustained, and the hazards he had run in rescuing them from popery and arbitrary power, restoring their liberties, and giving peace and quiet to Christendom ; and assuring him that they would on all occasions stand by and assist him in the preservation of his sacred person and support of his government against all his enemies whatsoever."

On this apparent return of good humour, the king made an ultimate effort to soften the most rigid and painful clause of the act, by a royal message written with his own hand, delivered to the commons by lord Ranelagh, couched in the following terms : " His majesty is pleased to let the house know, that the necessary preparations are made for transporting the guards who came with him to England ; and that he intends to send them away immediately, unless, out of consideration to him, the house be disposed to find a way for continuing them longer in his service, which his majesty would take very kindly." Far from complying with a request so natural and reasonable, the house of commons in a flame *instantly* resolved upon an address to the king, on a division of 175 to 156 voices, declaring " their unspeakable grief that his majesty should be advised to propose any thing to which they could not consent with due regard to that constitution which his majesty came over to restore, and so often exposed his royal person to preserve—and did in his gracious declaration promise, that all those foreign forces which came over with him should be sent back."—This was certainly a most ungracious mode of reminding the king of his gracious declaration, and favored much more of faction than of patriotism. To this intemperate address the king made a cool
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and judicious reply, "expressing his entire confidence in the affections of his people, and repelling with firmness the insinuation that his wish to retain his native guards arose from any distrust of the attachment of his English subjects."

The king saw and indignantly felt, nevertheless, how eager and incessant were the efforts of many individuals to traduce his character, and embarrass the measures of his government. In a confidential letter written by him at this period to Rouvigny earl of Galway, he says, "I see you are uneasy at the proceedings of the parliament here. I think you have too much cause to be so—It is not to be conceived how people here are set against the *foreigners*.—You will easily judge on whom this reflects. My measures must be regulated according as things go in the parliament, of which there is no being sure till the session is over.—There is a spirit of ignorance and malice prevails here beyond conception."

The tories, finding their strength, now proceeded to exhibit other proofs of their discontent and dissatisfaction. With a view to cast a reflection on the tolerant spirit of the present whig ministry, an address was presented to the king, complaining of the boldness with which, from his majesty's *unexampled clemency*, the papists had of late frequented the metropolis, and all places of public resort; and beseeching his majesty to issue his royal proclamation against them; which the king promised to do.

Seeing the complexion of the house of commons, the old East India company were encouraged to present a petition to the house, praying, "that their case might be taken into consideration; and that the house would make some provision that their corporation might subsist for the residue of the term of twenty-one years granted by his majesty's charter: and that such farther considerations might be had for the petitioners' relief, and for the preservation of the East India trade to England, as should be thought meet."

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This petition was favorably received, and a bill ordered by the house to be brought in thereupon. Some of the more warm and injudicious partizans of the company launched into an high strain of invective against the late East India bill and its promoters; and even ventured to assert, that they were not bound to maintain the votes and to keep up the credit of the former parliament. But the house wisely considered, that vast sums had been advanced and expences incurred by the proprietors of the new stock, in consequence of the act recently passed. If that act were now to be repealed, or the conditions of it new-modelled, the very basis of parliamentary faith would be subverted, and the public confidence would be inevitably lost. The bill therefore was not suffered to proceed to a second reading.

The first symptom of the decline and fall of the whig ministry had already appeared in the resignation of the earl of Sunderland, whose sagacity foresaw, and whose caution had avoided, the approaching danger. Had that nobleman continued in administration, he would have been undoubtedly the first object of attack. But the storm now fell upon the earl of Orford, who had been several years at the head both of the admiralty and navy departments. It had transpired, that the auditors of the imprests had declined passing his lordship's accounts for want of sufficient vouchers. And it was also affirmed, that his lordship had unnecessarily retained a vast sum of money in his hands, to the prejudice of the seamen and to his own private advantage. The house called therefore for the said accounts; from which it appeared that there remained a balance in the hands of the earl of Orford, as treasurer of the navy, of 460,000*l.* of which the earl declared that 380,000*l.* was then in a course of payment. But the object of the house was, not to investigate but to censure; and they presented a violent address to the throne, "complaining of mismanagement of the public service—of misapplication of the public money—
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of the introduction of new and unnecessary charges—of the want of regular vouchers—and finally declaring, that the offices of first commissioner of the admiralty and treasurer of the navy were inconsistent and ought not to be executed by the same person.” The king assured them that it was his desire that all sorts of mismanagements and irregularities should be prevented or redressed; and that their address should be taken into consideration. But the earl of Orford did not choose to risk any farther contest with the house of commons, and resigned his employments. He was succeeded in the admiralty by the earl of Bridgewater, a nobleman wholly unacquainted with sea-affairs; and the Tories were disappointed in their views of advancing sir George Rooke to that important post—a naval officer of high reputation, and strongly attached to the party in opposition.

A most sensible and bitter mortification was still in reserve for the king. By a bill sent up from the commons to the lords some years since, attainting the Irish who had been in arms against the government, their estates by law confiscated to the crown were applied to the payment of the public debts, leaving only a power to the king to dispose of the third part of them. This bill met with much opposition in the upper house: many petitions were presented against it; and the king, who was impatient to embark for the Continent, engaged that nothing should be done by him in prejudice of the bill till the parliament had an opportunity of settling the business. But the next session, and several succeeding sessions, passing over without any parliamentary revival or even mention of the bill; the king thought himself at liberty to exercise his prerogative to its full extent, by making grants of the whole of the forfeited estates. But this angry and jealous house of commons were determined that the matter should not rest in its present state. They annexed therefore a clause to the Land-tax Bill, appointing seven commissioners to take an account of the estates forfeited in Ireland, in order to their being applied in aid of the

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the public service. When the bill was transmitted to the lords, they found themselves, to their great discontent, precluded from entering into the merits of this provision, being compelled to pass the clause without alteration as constituting part of a Money Bill. But a protest was entered upon the journals expressive of their lordships' disapprobation of this procedure: "1st. Because the clause in question comprised a matter foreign to the bill; and 2dly, Because the practice of *tacking* clauses of this nature to Money Bills was contrary to the ancient method of proceeding in parliament, subversive of the freedom of debate, and derogatory to the privileges of the house." The bill having at length passed the lords, received from the king a most reluctant assent; and on the 4th May, 1699, the parliament was prorogued, and the king and his ministers relieved, for a time, from their imperious and unwelcome control.

Immediately after the rising of parliament some farther alterations were made in order to conciliate and gratify the tories. The duke of Leeds, who had sunk into insignificance and contempt since the discovery of his India speculations, was now dismissed from his post of president of the council, which was given to the earl of Pembroke; and the privy-seal, relinquished by this nobleman, was consigned to lord Lonsdale. The duke of Shrewsbury, who disliked the fatigues and was indifferent to the emoluments of office, resigned without reluctance the seals of secretary of state to the earl of Jersey: but towards the close of the year he accepted the place of lord-chamberlain. This nobleman was so distinguished by the generosity of his disposition and the fascination of his manners, that he was generally known by the appellation of "King of Hearts." He was said by the king to be the only man of whom both whigs and tories agreed to speak well. Though personally disinterested, his applications for his friends were so numerous, that the king one day, in the spirit of pleasantry, told

told him "to set down all his demands at once; that he might see whether the whole kingdom would satisfy them."

Previous to his departure for Holland, the king wrote to the earl of Galway, whom he had long honored with his intimate friendship, complaining in strong terms of the vexations he had been made to endure in the course of the last session of parliament. "It is not possible," said he; "to be more sensibly touched than I am, at not being able to do more for the poor refugee officers who have served me with so much zeal and fidelity. I am afraid the GOOD GOD will punish the ingratitude of this nation.—I fear the commission given here by the commons for the inspection of the forfeitures, will give you a great deal of trouble, and me no less the next winter. Assuredly on all sides my patience is put to the trial. I am going to *breathe* a little beyond sea, in order to come back as soon as possible."

Notwithstanding the numerous disappointments and discouragements which the Scottish company had sustained; and the utter improbability of final success in their projects—such was their reluctance to be awakened from their airy dreams, that they had in the course of the preceding year sent to sea two large ships out of four which they had caused to be built at Hamburg, and several smaller vessels, freighted with divers commodities the growth or manufacture of Scotland; and about 1200 adventurers on board, furnished with all things necessary for the establishment of a colony. But their indiscretion was no less conspicuous than their ill-fortune. The spot fixed upon for this settlement was the Isthmus of Darien, a territory situated in the heart of the Spanish empire in America, from time immemorial claimed, and in part occupied, by Spain to the exclusion of every other European power; and which, if their avarice had suffered their reason to operate, the Scottish projectors must be sensible that the court of Madrid would resent and repel as a flagrant encroachment upon their rights.

In the month of October, 1698, they arrived at GOLDEN ISLAND on the coast of Darien; but the wants and miseries, the difficulties and dangers they had to encounter, soon disposed them to think more of a deliverance than an establishment. This intelligence was no sooner received in England, than the earl of Seafield, secretary of state for Scotland, who had hitherto abstained from replying to the representations of the company, informed them, by order from the king, “that, there being accounts of the arrival of the ships belonging to the company on the coasts of America, and the particular design not being communicated to his majesty, he therefore delayed to give an answer till he had received certain information of their settlement.” The company on this notified to lord Seafield, “that their ships had reached their destination at Golden Island on the coast of Darien—and had obtained, by treaty with the natives, a tract never before in the possession of any Europeans.” But though the Scottish directors had been guilty of the extreme imprudence of attempting a permanent settlement in the centre of the Spanish empire without the permission, it could not be long concealed from the knowledge, of the executive government. And by the positive orders of the king, sir William Beecham, governor of Jamaica, issued a proclamation early in April, 1699, importing that his majesty was not informed of the designs of the Scots in relation to Darien; which being contrary to the treaties subsisting between his majesty and his allies, he strictly charged and commanded all his majesty’s subjects, that upon no pretence whatever they should hold any correspondence with the Scots aforesaid, or give them any assistance, under pain of suffering the effects of his majesty’s severest displeasure. This was a measure, however harsh, very reasonable and necessary; for, in the month of May following, the marquis de Canales, minister residentary of Spain, presented to the court of London a memorial, remonstrating in the strongest and most resentful terms against the Darien settlement;

settlement; which, the memorialist declared, "the king his master regarded, not merely as a violation of friendship, but as a rupture of the alliance subsisting between the two crowns. That his catholic majesty could not expect such insults and hostilities to be committed by the subjects of the king of England, without cause or pretext, in the heart of his dominions; and that all the king his master desired was to have his extreme sensibility of a procedure so unjust represented to his majesty, for he would take such measures concerning them as he should see convenient." To this memorial the orders already sent to the governor of Jamaica furnished a satisfactory reply.

The English parliament, perceiving, doubtless, the approaching inevitable ruin of the Scottish colony, did not deign in the course of the last session to make it the subject of their animadversion. Nothing but misfortune had attended this ill-fated and extravagant project. Of the ships sent out with stores and reinforcements, one took fire by accident, and a second was wrecked near Carthagena, the cargo confiscated, and the crew sent to prison. Those who reached the destined shore, finding their expectations wholly blasted, were wrought up to a pitch of insubordination and animosity, which utterly disqualified them from adopting any rational means either of subsistence or defence. In fine, seeing their inability to resist the force which the Spaniards were preparing to bring against them, they thought proper to sign a capitulation, and entirely to evacuate the Spanish coast, after the immense expence incurred in the successive equipments and preparations of the company, who were, however reluctantly, at length compelled to open their eyes, when their invincible obstinacy in folly had left them nothing to contemplate but their own beggary, bankruptcy and ruin.

In the month of September, 1699, while they were yet unapprised of the catastrophe of this tragic drama, the company had transmitted an address to the throne, complaining
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of the injuries they had received and the mischiefs they had still to apprehend from the Spaniards; and beseeching his majesty's favor and protection. This being evasively answered, they framed a second address or remonstrance in still stronger terms, complaining "that they were not within the pale of the royal protection. That proclamations had been issued in his majesty's name by the governors of the American plantations, prohibiting all commerce or correspondence with the Scottish colony, which had produced the most fatal consequences to the company—They entreated that his majesty would take off the force and effect of those proclamations, and allow his parliament of Scotland to meet at as early a period as possible, in order that his majesty might have the advice and assistance of the great council of the nation in such a weighty and general concern." To this lord Seafield was directed to answer, "that his majesty very much regretted the loss which that kingdom and the company had lately sustained—that he would upon all occasions protect and encourage the trade of the nation—and that they should enjoy the same freedom of commerce with the English plantations as formerly. As to the parliament, they were adjourned to March; and he would cause them to meet when he judged that the good of the nation required it." This answer gave little satisfaction; the national ferment spread like a contagion, and seemed to threaten the most alarming consequences.

Notwithstanding the cordiality with which the court of Versailles appeared to concur in the treaty of partition, she employed all the arts of her refined and insidious policy to induce the court of Madrid to pronounce an ultimate decision in her favor. The marquis de Harcourt, ambassador from France, insinuated in terms the most flattering and respectful, "that the only object of the king his master was, to maintain the honor and independency of the crown of Spain—that Philip IV. had doubtless exerted his power too far in transferring the inheritance of the crown to the Imperial

Imperial house against the laws of nature and the constitution of the realm—that the succession lawfully belonged to his daughter's children, and not to his relations four degrees removed—that it was far from the wish of the king his master, to unite the crowns of France and Spain—but that the duke of Anjou, second son of the dauphin, was yet in very early youth; and if it were deemed expedient to make choice of him as successor to the throne, he might, by a residence in Spain, easily learn to conform himself to the customs and manners of the country—that, supposing the validity of the renunciation of the infanta Maria Teresa, the right of succession would devolve upon the electoral prince of Bavaria, descended also from a daughter of Spain. But it was impossible that the most christian king could tamely acquiesce in a disposition so injurious to the rights and interests of his crown as the absolute transfer of the monarchy of Spain and its vast dependencies to the house of Austria, already too much aggrandized by her recent conquests in Hungary. And he insinuated that the catholic religion might be endangered under a prince so closely connected with heretics. The ambassador submitted the decision of this great question with the utmost confidence to the justice of his catholic majesty, whose friendship the most christian king was most sincerely desirous to cultivate; and the ambassador took occasion to express the indignation of his sovereign at the flagrant encroachments of the British nation on the territorial rights of Spain in America; and his readiness to act in concert with them to repel these lawless invaders.* And he made a generous offer of succors by sea and land against the Moors, who were then besieging both Ceuta and Oran.” This was civilly declined; but by degrees a powerful impression was made by these arguments, and

* This proves the effrontery of the Scottish directors, who, in their memorial of March 21st, 1699, presumed to assert the probability that France had it in contemplation to settle a colony on the coast of Darien, which they absurdly claimed the merit of preventing.

and others no doubt of a very different kind, on a very large proportion of the Spanish nobles and grandees, with the famous cardinal Porto-Carrero at their head, who had a powerful sway over the Spanish councils. The queen of Spain, on the other hand, was strongly in the interest of the house of Austria, and exerted her influence with no inconsiderable effect to counteract the machinations of France, who, to operate on the fears as well as the justice and gratitude of the Spanish court, had ordered an army of 60,000 men to assemble on the frontiers of Catalonia.

Such was the state of things, when the court of Madrid was apprised of the treaty of partition about to be concluded at Loo. The king of Spain, violently and justly offended, was instantly incited by the impulse of passion to adopt a resolution which wisdom had so long unavailingly dictated, viz. to make a testamentary disposition of his dominions, which he left, June 1698, without reserve to the electoral prince of Bavaria, now solemnly constituted sole heir of this vast inheritance. Why his catholic majesty passed over in silence the claims of the house of Austria, to which he had hitherto shewn a strong predilection, cannot be easily ascertained.—The emperor had obstinately refused to permit his son the archduke to take up his residence in Spain—in the memorial presented by the Imperial ambassador count Harrach at the court of Madrid on the subject of the treaty of partition, the chief stress seemed to be laid on the injustice done to the house of Austria, which is said to have offended the pride of the Spanish court—and it was obvious that in present circumstances there existed a greater probability of preserving the integrity of the Spanish empire by an absolute devolution of it to the electoral prince than to the archduke. And in case France and Austria would have derived much consolation for the disappointment they respectively sustained, by reflecting on the baffled hopes and abortive projects of each other.

A memorial

A memorial was immediately presented at the court of Madrid, by M. de Harcourt; which, under color of complaining of the injury done to France, contains a virtual acquiescence in this disposition. In the conclusion of this memorial,* the ambassador says, “Your majesty knows I have never *importuned* you concerning the succession. Lastly, sir, it is to be considered, whether the disinterested respects of my master, and his desire to maintain a good correspondence with your majesty, deserve the resolution you have taken: and what reason all Europe may have to complain of your majesty, if, to the general misfortune, the solicitude of my master cannot prevent the disturbance to be feared from such an incident.” This can only be construed to mean that the king of France will not, but that he apprehends the emperor will contest this disposition. The answer of the Spanish court to this memorial† was wholly vague and complimentary: “The zeal of his catholic majesty for preserving the tranquillity of Europe was equal to that of the most christian king—that he could not but be surprised at his excellency’s memorial, at a time when the Divine goodness had so recently restored him to health—but he expressed his sense of the friendship of his most christian majesty, and his readiness to concur with him in whatever should be found necessary for continuing the public repose, which his catholic majesty affirmed would be the constant tenor of his prayers.” With whatever reluctance, it is probable that the two great rival powers of Bourbon and Austria would have ultimately acquiesced in a testamentary disposition so conformable to the interests of Spain and the inclinations of all Europe, had not the unfortunate death of the electoral prince in a few months (February the 16th, 1699), entirely altered the face of things, and thrown the whole political world into an abyss of confusion.

Notwithstanding

* Lamberti.

† Ibid.

Notwithstanding the pretended recovery of the king of Spain, it was well known that this enfeebled monarch could not long survive: and the attention of the king of England was anew engaged, with laudable and disinterested solicitude, but with very doubtful wisdom, in the formation of new schemes and projects for the preservation of the peace of Christendom. Soon after the arrival of the king at Loo, M. de Tallard was again deputed to negotiate with his majesty a second partition treaty, to which the court of Vienna was invited to concur as a principal party. Various obstacles, occasioned by as many different causes, retarded the conclusion of the treaty at Loo--of which the objections severally suggested by the emperor and the states-general appear to have been the chief. Their high mightinesses, doubting the sincerity of the French court, and probably not well pleased with the terms of the treaty, required, that, when signed and ratified, it should be registered in the parliament of Paris. But the court of Versailles replied with haughtiness, "that the parliament of Paris was no more than a court of justice; and that this was a proposition that could not even be listened to." The emperor absolutely refused to engage as a party in the treaty, till the terms of it were communicated to and approved by the court of Madrid. M. de Tallard following the king, after a short interval, into England; the treaty was at length signed, March the 3d, 1700, by the ambassador Tallard on the part of the king his master, and, on that of the king of Great Britain, by the earls of Jersey and Portland, and on the 25th of the same month, by the plenipotentiaries of the states-general at the Hague.

Conformably to the conditions of this treaty, Spain and the Indies, with the Low Countries and Sardinia, were, on the death of the king of Spain without issue, to devolve to the archduke Charles. The Sicilies, Finale and the other possessions of Spain in Italy, Milan excepted, with the province of Guipuscoa, &c. as settled in the former

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treaty, were to be ceded in full right to the dauphin—as also the duchies of Lorraine and Bar, of more intrinsic value to France than all the rest of her acquisitions. To the duke of Lorraine in lieu of his duchy was assigned the dukedom of Milan. Thus more was voluntarily conceded to France, than she could hope to gain by the most successful war. To this treaty the emperor was allowed three months to accede; and in case of refusal, the allotment of the archduke was to be disposed of to a prince who should be named by the two kings of France and Great Britain, in conjunction with the states-general. And in a separate article the emperor was by a farther indulgence admitted to subscribe within two months after the death of the king of Spain.*

The court of Madrid, on the first intimation of the negotiations recommenced at Loo, discovered, as might well be expected, the most passionate resentment. So early as the
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* It is evident from the tenor of the correspondence of the king with the pensionary Heinsius at this period, that his accession to the terms of the partition treaties was the result of what appeared to him an urgent political necessity, arising from the known indisposition of the parliament and people to a renewal of the war on the Continent. “I find,” says the king to that minister, “your thoughts entirely occupied with the great storm which seems to hang over our heads, by the likelihood of the king of Spain’s death.—I only wish my power was such, as that I could properly second your hearty sentiments.”——“People begin here more and more to fear the death of the king of Spain; being persuaded it will draw on a war, to which they in that case seem resolved; but would contribute little or nothing, except to the marine, and leave the war by land to the republic and the other allies, which they would not carry through.—Though, on the other hand, I see no likelihood of bringing the parliament to give money sufficient to keep so considerable a body of troops in the Spanish Netherlands as I had the last war; and without that I see no possibility of defending them.”——“I confess that, every thing considered, it is very questionable which alternative to choose, and to negotiate farther thereon; but this is beyond a doubt, that when these offers of France are public in England and Holland, it will be difficult to get them to consent to a war, in case the king of Spain should happen to die now—so that measures must be taken in consequence.”

——*Hardwicke State Papers.*

month of August, the Spanish secretary of state don Antonio de Ubilla, delivered a memorial to Mr. Stanhope the English ambassador at Madrid, setting forth "that the king his master having been informed by different advices, that the English, French and Hollanders were again framing new treaties for disposing of the succession of that crown and dividing its dominions, his majesty could no longer dissemble his knowledge, or omit to make known his resentments of a procedure never before heard of during the life of any king—And don Antonio makes, by order of the Catholic king, this communication to don Stanhope, that, he giving notice to his Britannic majesty, and assisting by his prudent representations, the universal quiet may be maintained, and that he may quit the *scandal* of this *negotiation*, which it is feared will be an unhappy motive of kindling a voracious flame of a new war, which being once lighted will be difficult to be extinguished, either by the greatest force, or the most dextrous and most powerful mediation." A memorial couched in still more energetic language, and in a style bordering upon rudeness and insolence, was soon after presented by the marquis de Canales to the lords justices of England, in the absence of his majesty—stating, in a way unusually pointed and personal, "that if these proceedings, these machinations and projects are not quickly put a stop to, we shall without doubt see a dire and universal war over all Europe, difficult to stop when we are willing, and most sensible and prejudicial to the English nation, which has newly tried and felt what *novelties* and the last war have cost them."—And declaring, "that the ambassador extraordinary of Spain will manifest to the parliament, when it shall be assembled, the just resentment which he now expresses." This paper being transmitted to the king at Loo, the ambassador was informed by Mr. secretary Vernon, that his majesty found the contents so insolent and seditious, that, in resentment of so extraordinary a procedure, he ordered the ambassador to quit his dominions in eighteen days, and that

no writing be any more received from him or any of his domestics. The ambassador replied with an air of gaiety, "Te Deum laudamus!"—adding, "that he should not fail to obey the orders he had received, to a scruple." In return, Mr. Stanhope was also ordered to quit the territories of the king of Spain.

The negotiations at Loo seemed to excite almost as great a ferment at Vienna as at Madrid. The count de Kaunitz, in a conference with M. de Villars the French ambassador at the Imperial court, declared it to be an unprecedented thing for Great Britain and Holland to divide the monarchy of Spain—"And this third power you threaten us with," said the count, "who is he? What, shall the Dutch give away kingdoms!"—And the memorial of M. de Canales being spoken of by M. Hope, minister from the states-general, as highly insolent, in making an appeal from the sovereign to his subjects; the Spanish ambassador, being present, gravely replied, "Subjects who dethrone one king and elect another, who have even put a third to death, and who openly act in defiance of the will of the Sovereign"—alluding to the affair of Darien—"such subjects can by no means be regarded in the same light with the subjects of other kings."*

On the other hand, the extreme satisfaction of the court of Versailles at the late proceedings appears from the general tenor of the dispatches of the earl of Manchester, ambassador at Paris. In his letter of May 8th, 1700, to lord Jersey, this nobleman says, "that in his last conference with M. de Torcy, that minister observed to him they should now soon see the success of this great affair—that the king of England would have the honor of it—The case," he added, "was extremely changed within two years—that the French king had now all the obligations and interest to wish for the life and welfare of our king.—Henceforth,"

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as in a subsequent conference he took occasion to say, "it would be very convenient for France and England always to act in concert in the affairs of Europe."

Circumstanced as the emperor now was, he appeared inclined to accede, after all the anger and resentment he had displayed, to the principal terms of the treaty. And various concessions were made by the court of Versailles in order to render it more palatable—calculated to ensure the succession of Spain to the archduke; and, in particular, that this prince should be at liberty to reside in that kingdom during the life of the king; knowing perhaps the determination of the emperor against it. It was also agreed that the succession of the Sicilies should be limited to the descendants of the queen Maria Teresa. But when the Imperial court proceeded to propose that the Indies should be ceded to France in lieu of the Sicilies; and the island of Sardinia and the duchy of Luxemburg as an equivalent for Lorraine and Bar—the proposition was rejected as extravagant and inadmissible. The king of France himself, in a dispatch to M. Briard, resident at the Hague, informs him, "that M. Zinzendorf, the Imperial ambassador at Paris, had plainly enough intimated that the emperor would cede to him the Low Countries, in case he would treat directly with him—and directs that minister to caution the pensioner against all the artifices which the Imperial ministers would not fail to employ, in order to create a jealousy which might be fatal to the measures he had taken with England and Holland." In the mean time the emperor carried on his negotiations in Spain with such success, that his catholic majesty, in the month of June, 1700, was prevailed upon to sign a will, declaring the archduke sole heir of the Spanish dominions. This was immediately transmitted to Vienna; and M. de Villars was then informed, "that his Imperial majesty, considering the good state of the king of Spain's health, declined acceding to the treaty of partition; but that in failure of male heirs the emperor considered

considered the succession as justly belonging to him."— And thus this matter rested during the summer of the year 1700.

To preserve perspicuity and connection, the order of events has been somewhat anticipated. The king of England arrived at his palace of Kensington from the Continent in the month of October, 1699. It had been for some time past infused into his mind by persons in his confidence, and particularly by the earls of Jersey and Albemarle, that the whigs either could not or would not conduct the business of government to his satisfaction—that the tory interest predominated in the house of commons; and that it was necessary to conform to circumstances, and to take some of the leaders of that party into administration. On the other hand, lord Somers, who retained great influence over the king, declared, that there was no necessity for yielding at discretion to the tories—that if the king would be true to his friends, they would be true to him. He blamed the resignation of lord Orford, and was of opinion the whigs might regain their ascendancy in a new parliament.—The king himself was inclined to a dissolution, but the ministers would not venture to advise so bold a measure. He therefore finally determined to adopt the counsels of their opponents. The first manifestation of this was a visit publicly made by him to the earl of Rochester at Richmond—and Mr. Montague, perceiving the high favor he had for several years past possessed, both with the king and the parliament, now rapidly on the wane, thought it expedient to resign his offices previous to the commencement of the session. In his room lord Tankerville was placed at the head of the treasury, and Mr. John Smith who had for some time occupied with reputation a seat at the board, was constituted chancellor of the exchequer. Thus another of the grand columns which upheld the tottering fabric of the whig administration was removed; and it now rested almost entirely

rely upon the abilities, courage, and high reputation of the lord-chancellor Somers for support.

On the 16th of November, 1699, the session opened with a speech of a very general nature, and in which every expression that could give any just cause of offence seems to have been cautiously avoided. In conclusion the king declared "his full assurance of the good affections of his people, which it would be his endeavor to preserve by a constant care of their just rights and liberties. Since then," said the monarch, "our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's blessing, to make me a happy king, and you a great and flourishing people." But such was the perverse conduct of the house as to manifest a pre-determination not to be satisfied. In their address the commons affected to consider this recommendation of mutual confidence as involving in it by implication a charge against them for not placing proper confidence in him. "We do esteem it," say they, "our greatest misfortune, that, after having so amply provided for the security of your majesty and your government both by sea and land, any jealousy or distrust hath been raised of our duty and affections to your sacred majesty—and beg leave humbly to represent that it will greatly conduce to the continuing and establishing an entire confidence between your majesty and your parliament, that you would be pleased to show marks of your high displeasure towards all such persons who have or shall presume to misrepresent their proceedings to your majesty." The king to this strange and captious complaint returned a mild and discreet answer, assuring them "that no persons had ever yet dared to misrepresent to him the proceedings of either house—and that if such calumnies should be attempted, they would not only fail of success, but the authors of them would be treated as his worst enemies."

It was now the grand object of the commons to seek out some plausible ground of accusation against the lord-chancellor,

cellor, knowing, that, if he fell, the administration of which he was the sole animating principle must inevitably fall with him. Fortunately, as they conceived, for their purpose, an incident occurred at this period much too trivial for the notice of History, had it not acquired an adventitious importance by the political use made of it in order to fix a stigma upon an illustrious character, which could not hope in such circumstances, although "as chaste as ice, as pure as snow," to escape the envenomed shafts of calumny.

Great complaints having been made, during the late war, of the depredations committed by pirates on the American coast; a scheme was formed at the suggestion of the earl of Bellamont, governor of New York, to fit out a ship of war by private subscription in order to make reprisals upon these depredators. The king himself countenanced the scheme; and the lord-chancellor, the duke of Shrewsbury, the lords Romney and Orford, &c. on being applied to, did not think it becoming them to refuse their assistance. And on the recommendation of lord Bellamont, one Kydd, a native of New York, the master of a sloop, who had the reputation of being both bold and honest, was appointed captain of the ship, which mounted thirty guns, and to which the name of the Adventure Galley was given. This vessel was furnished, besides the usual commission given to privateers, with a power under the great seal, authorising Kydd the commander to make war upon and destroy the pirates infesting the American and other seas. The choice however of the captain proved very unfortunate; for, instead of making war upon the pirates, he immediately turned pirate himself; and, commanding a ship of great force, he became for a considerable time the terror of the American and Indian seas. At length being apprehended by the vigilance of lord Bellamont, he was sent to England for trial.

This affair being eagerly and abruptly brought into the house of commons; a motion was made, December 6, 1699,
 "that

“ that the letters patent granted to the earl of Bellamont, and others, of pirates’ goods were dishonorable to the king, against the law of nations, contrary to the laws and statutes of this realm, invasive of property, and destructive of trade and commerce.” In the debate which ensued, the most malignant imputations were cast upon the noblemen engaged in this undertaking, as concerned in “ a scheme of robbing and piracy ;” and the lord-chancellor was the peculiar object of invective and reproach, as a magistrate placed at the head of the highest department of justice, which he had “ disgraced by his participation in an enterprise so scandalous ; and which was said to be framed on a mere pretence of public service, but in truth for the sake of spoil—those who were too tender-conscienced to commence pirates in the first instance, finding no repugnance to sharing among themselves that which had been unjustly taken from others.” But such was the charm attached to the lofty and undeviating integrity of the chancellor’s character, that it was assailed by the rage of faction in vain. The house seemed to feel, that the disgrace and dishonor of such an accusation could appertain only to those who countenanced it ; and the motion was, on a division, negatived by a great majority. The commons however thought fit to present an address to the king, praying, “ that Kydd might not be pardoned, tried, or discharged, till the next session of parliament ;” to which the king promised compliance : and to finish the history of this wretched business, it may be proper to add, that Kydd, being many months after brought to the bar of the house, declared, “ that he had never in his life spoken to lord Somers ; and that he had no order from those concerned in the ship but to prosecute his voyage against the pirates in the high seas.” The house now left him to his fate ; and he was in a short time afterwards hanged, with divers of his accomplices.

Boiling still with indignation against the chancellor, the malignants in the house now brought forward another charge

charge against him, for having made a partial and undue distribution of commissions of the peace, and for invidiously striking out the names of many persons of great property and responsibility. On enquiry it appeared, that at the period of the assassination plot it was deemed expedient to exclude those from the commission who refused to sign the national association. But this was so far from being the personal act of the chancellor, that the gentlemen in question were turned out in consequence of the express order of council, grounded on the representations of the lords-lieutenants of the several counties. The house contented itself, therefore, with presenting an address to the king, importing, "that it would much conduce to the service of his majesty and the good of this kingdom, that gentlemen of quality and good estates be *restored* and put into the commissions of the peace and lieutenancy; and that men of small estates be neither continued nor put into the said commissions." To which address, presented by the whole house, the king replied, "He was of the opinion, that men of the best quality and estates were most proper to be entrusted in the commissions of the peace and lieutenancy; and that directions should be given accordingly."

The same ill-humor, though directed to a very inferior object, displayed itself in the motion made for an address to the king to displace Burnet, bishop of Sarum, from his office of preceptor to the duke of Gloucester, which he had filled with great diligence and disinterestedness. This was however over-ruled by a considerable majority.

As in the course of the last session an address was presented to the throne to put the laws in force against popish recusants, &c. in order to throw an odium upon the whig ministers as men regardless of the interests of religion; that business was from the same motives now revived by the Tories; and a dreadfully-severe bill brought in under the sanction of a committee, of which Mr. Howe, one of the most virulent Jacobites in the house, was chairman, by which a
sentence

sentence of banishment was inflicted upon all popish priests and schoolmasters, on pain of perpetual imprisonment, in case of their return ; and a reward of 1000*l.* offered for their apprehension. It also enacted, that no papist born after the 25th March, 1700, be capable of inheriting either title or estate ; or of purchasing lands, &c. either in his own name or in trust for another, within the realm. But the most extraordinary clause of the bill was that which required all papists possessing estates in land to take the oaths of allegiance and supremacy and the test when they attained to the age of eighteen ; till when the estate was to devolve to the next of kin that was a protestant. The party who moved this bill presumed, that the whigs, conformably to their general maxims of indulgence and toleration, would not fail to oppose it with vigor, and thereby expose themselves to popular obloquy. But self-preservation was now their primary object ; and, abandoning all consistency of principle, they applauded and patronised the bill with all the madness of party rage—each faction striving which should exceed the other in devising new clauses of iniquity and barbarity. Under these circumstances it rapidly passed the house of commons, and from the operation of the same motives it proceeded with equal facility through that of the lords. With a blindness of intellect which would excite our pity were not pity lost and absorbed in indignation, bishop Burnet informs us, “ that he was for this bill, notwithstanding his principles *for* toleration and *against* all persecution for conscience sake. He had always thought, that if a government found any sect in religion incompatible with its quiet and safety, it might, and sometimes ought to send away all of that sect with as little hardship as possible.”—A principle of policy which would furnish just as valid a pretence for the expulsion of the moriscoes from Spain, or the huguenots from France, as of the papists from England. It is grievous to relate that this infamous bill, which a more enlightened legislature has with generous unanimity repealed,

passed

passed with national approbation ; though its malignity was happily in a very great degree counteracted by the superior wisdom and beneficence of the executive power.

Another subject of chagrin and vexation to the whigs in the present session was the conduct of the house of commons relative to the affairs of India. Although the house would not venture on a measure so dangerous as the revocation of the charter granted by the last parliament to the new company, their competitors of the old establishment were encouraged anew to represent their case to the legislature, and to petition for an act to prolong their existence as a company to the end of the term of twenty-one years specified in their present charter. The new company published a counter-representation expressed in very bitter language ; but their invectives and reproaches were fatal to their arguments. Passion is a more active principle than reason ; and such an opposition only contributed, by exciting disgust and resentment, to facilitate the passing of the bill. Mr. Montague, their great patron, was no longer lord of the ascendant ; his eloquence had lost its efficacy ; and this remarkable bill, which established in fact two East India companies, finally received the sanction of the house of lords and the assent of the king.

It was a favorite object of the court to obtain a vote of approbation from parliament for the measures taken to gratify the commercial jealousy of the English nation in opposition to the Scottish settlement of Darien. Even in this they could not succeed. For, though the house of lords were prevailed upon, not without difficulty, and on a close division of thirty-two to twenty-six peers, to resolve, " that the settlement of Darien was inconsistent with the good of the plantation trade of this kingdom ;" and to ground an address to the king thereupon ; the commons obstinately refused to concur : for they knew that the project was hopeless ; and they would take off no part of the odium, necessarily incurred, upon the occasion, from the king. But, a
pamphlet

pamphlet being published, entitled "An Enquiry into the Miscarriage of the Scottish settlement at Darien," reflecting upon the honor of the king and of the two houses of parliament; it was voted to be a false, scandalous and traitorous libel, and ordered to be burnt by the common hangman. The king received the address of the lords very graciously. He assured them that he should always have a very great regard for their opinion—that he would never be wanting by all proper means to promote the advantage and good of the trade of England—at the same time he expressed a great concern and tenderness for his kingdom of Scotland, and a desire to advance their interest and prosperity. And he embraced anew the opportunity of inculcating very earnestly the propriety and necessity of an Union of the two kingdoms, in order to contribute effectually to the security and happiness of both. In consequence of this recommendation, the lords did actually prepare and send down a bill to the commons, appointing certain commissioners of the realm of England to treat with commissioners of Scotland for the weal of both kingdoms. But the commons, being in no better disposition to comply with this measure than with the former, could not be prevailed upon to prosecute or approve it.*

But the point on which the party in opposition to the court laid the most stress, and which the nation seemed to be most concerned in, was the result of the enquiry made by the parliamentary commissioners into the Irish forfeitures, with a view to a general resumption. Of these commissioners, seven in number, four were "disposed to put every circumstance to the torture, in order to inflame the report," and three were inclined to soften and conciliate; or, as the industrious and diligent historian Ralph expresses it, "three were for the court, under the pretence of candor and moderation." In consequence of this difference of sentiment, the report of the commissioners was
signed

* Ralph, vol. ii. p. 849.

signed by the four anti-courtiers only. This remarkable report stated, that the number of persons outlawed on account of the late rebellion in Ireland amounted to 3921—that the lands belonging to the forfeited estates contained 1,060,792 acres—that some of these lands had been restored to the old proprietors by virtue of the articles of Limerick and Galway—by reversal of outlawries and royal pardons—obtained chiefly by those who had abused his majesty's compassion. Besides these restitutions, there were seventy-six grants and custodiams under the great seal of Ireland, of which they made a recital. Amongst the number was a grant to lord Romney of 49,517 acres; lord Albemarle 108,633; William Bentinck, esq. lord Woodstock 135,820; the earl of Athlone 26,480; the earl of Galway 36,148, &c. &c. The commissioners acknowledged that the estates in question did not yield so much to the grantees as they were estimated at; for, as they had imposed upon his majesty, so their agents had imposed upon them; and sold or let the lands at a rate much below their real value. After all deductions and allowances, there yet remained 1,699,343l. 14s. which they laid before the commons as the gross amount of the estates forfeited since the 13th day of February, 1689, and not restored." The committee concluded their report by the invidious statement of a grant, which they acknowledged did not fall within the *letter* of their enquiry, made under the great seal of Ireland, May 30, 1695, to Mrs. Elizabeth Villiers, now countess of Orkney, of ALL the private estates of the late king James, containing 95,649 acres, estimated, at the expiration of the present leases in 1701, at 25,995l. 18s. per annum. Certainly, to judge by the enormity of this grant, the king's attachment to this lady must have been uncommonly violent. Upon the whole it appeared, that the grants were, with very few exceptions, conferred without knowledge or discrimination; that gross impositions had been practised; and that the king himself

was liable to the censure of suffering the royal bounty to degenerate into the most wild, careless and capricious profusion.

The house of commons in a violent ferment immediately resolved, "that a bill be brought in to apply all the forfeited estates and interests in Ireland, and all grants thereof, and of the rents and revenues belonging to the crown within that kingdom, since the 13th February, 1689, to the use of the public." A clause was subsequently inserted for the erection of a court of delegates, to determine claims touching the said forfeited estates—under cover of which clause they farther resolved, "that they would not receive any petitions whatever against the provisions of this bill." The courtiers durst not oppose any of these proceedings; and the house, having fixed unalterably upon their plan, were now at leisure to enter upon the examination of the commissioners at the bar of the house, which it had been ineffectually suggested by some of the members ought in propriety and equity to have preceded the bill. After a long and tedious investigation, the house came to the ultimate resolution, "that Francis Annesley, John Trenchard, James Hamilton and Henry Langford, esqrs. *four* of the commissioners for the Irish forfeitures, had acquitted themselves with understanding, courage and integrity." This was an implied censure on the earl of Drogheda, sir Francis Brewster, and sir Richard Leving, the three dissentient commissioners—and the house went so far as to vote the last-named of these to be the author of groundless and scandalous aspersions respecting the commissioners who had signed the report—and to commit him thereupon prisoner to the Tower.

After a long acquiescence, the courtiers ventured to move, that a certain proportion of the forfeitures be reserved to the disposal of his majesty. This proportion had been fixed at a third in the former bill, which the house had perfected, and sent up to the lords some years before.

But

But the house, being at present differently constituted, would not admit of the same rule of proceeding. It was thought a sufficient reply, that the grantees had enjoyed these estates so many years, that the mean profits did arise to more than one-third of the value. And a negative was not only put upon the motion, but two additional resolutions were thereupon passed: "1st, That the advising, procuring and passing the grants of the forfeited and other estates in Ireland, had been the occasion of contracting great debts upon the nation, and levying heavy taxes on the people. 2dly, That the advising and passing the said grants was highly reflecting on the king's honor. And the officers and instruments concerned in the procuring and passing the said grants had highly failed in the performance of their trust and duty." One point only, dictated chiefly by the spirit of retaliation and revenge, were the courtiers able to carry—which was the obtainment of an order for bringing in a bill to resume the grants of all lands and revenues of the crown, and all pensions granted by the crown since the 6th of February, 1685, being the day of king James's accession, and for applying the same to the use of the public. An address founded upon the resolutions last recited was presented to his majesty, January the 21st, 1700, to which the king gave the following answer: "Gentlemen, I was not led by inclination, but thought myself obliged in justice to reward those who had served well, and particularly in the reduction of Ireland, out of the estates forfeited to me by the rebellion there. The long war in which we were engaged did occasion great taxes, and has left the nation much in debt; and the taking just and effectual ways for lessening that debt, and supporting public credit, is what in my opinion will best contribute to the honor, interest, and safety of this kingdom." On the report of this answer from the chair, a vehement debate ensued; and the house came at the close of it to the resolution, "that whoever advised his majesty's answer to the address

address of the house, has used his utmost endeavor to create a misunderstanding and jealousy between the king and his people."

This famous Bill of Resumption, being styled a Bill of Supply, and appropriated to the discharge of certain specific debts, &c. was, by an arbitrary exertion of power now grown too common, *tacked* to—or, in the more fashionable phrase, *consolidated* with, the Land-tax Bill; and in that state carried up to the lords. The forcible expedient resorted to by the commons to ensure the passing of the bill, gave great and just umbrage to the peers, who ventured to make several alterations in the same, not affecting the money clauses, which were nevertheless unanimously rejected by the commons, who assigned in a paper delivered to their lordships their reasons for so doing. The peers producing at a subsequent conference counter-reasons in support of their amendments, the committee of the commons, instead of making any reply, signified that their orders were to return the bill, and leave it with their lordships. This threw the house into a flame: many of the peers seemed determined to reject the bill and risque the consequences. On the question whether the house should adhere to their amendments, the contents were forty-three, non-contents fifty-three; and the bill finally passed, with the sullen acquiescence of the court, by a majority of fifty-nine to thirty-four voices, accompanied by a strong and indignant protest.

The leaders of the house of commons, conceiving the opposition of the lords to derive its chief weight from the chancellor, moved by way of intimidation an address to his majesty for the removal of John lord Somers from his presence and councils for ever. This was carried in the negative by a great majority. But a resolution still more obnoxious passed the house at the same time, to address the king, that no person who was not a native of his dominions, the prince of Denmark excepted, be admitted to his majesty's councils in England or Ireland. But before

this address could be presented, the king came to the house of peers April the 11th, 1700; and, after passing the bills in readiness, commanded the earl of Bridgewater, in the absence of the chancellor, who was indisposed, to prorogue the parliament, which was accordingly done without a speech—his majesty thinking there was no room for the usual expressions of satisfaction or gratitude; and not choosing to give any public proof of discontent or repentment.*

In his private dispatches to lord Galway, written shortly after the rising of parliament, the king says: "You may judge what vexation all their extraordinary proceedings gave me; and I assure you, your being deprived of what I gave you with so much pleasure is not the least of my griefs. —There have been so many intrigues in this last session, that, without having been on the spot and well informed of every thing, it cannot be conceived.—I never had more occasion than at present for persons of your capacity and fidelity. I hope I shall find opportunities to give you marks of my esteem and friendship."

The king, being now fully resolved at any rate to effect an accommodation with the tories, informed lord Somers on his first appearance at court after recovering from his indisposition, that it seemed necessary for his service that he should

* The celebrated Prior, at this time under secretary of state to lord Jersey, in a letter to the earl of Manchester, dated February the 12th, 1700, says, "To-morrow is the great day, when we expect that my lord chancellor will be fallen upon; though God knows what crime he is guilty of, but that of being a very great man, and a wise and upright judge." In a subsequent letter, dated April the 10th, he says, "God knows how this business will turn, or where this violence of the house of commons will end—Our friend"—meaning Mr. Montague—"has said nothing of late in the house of commons. My lord chancellor is very sick.—This is the abrége of our case." April the 11th—"You see what they would have done to my lord chancellor, and how duke Schomberg and lord Portland suffer in their address that strangers should not be privy counsellors.—Upon the main we have life for six months longer, *et alors comme alors.*"

should part with the great seal; and he wished he would make it his own act. But this the lord chancellor with great dignity refused—since in his circumstances, he said, a resignation must be supposed to indicate fear or guilt. An order was therefore formally sent to him by lord Jersey, and the great seal delivered up April 17, 1700. The chief justice Holt and the attorney general Trevor both declining the acceptance of it, sir Nathan Wright, a man in no respect equal to that exalted station, and much less to the illustrious personage whom he succeeded, was appointed lord keeper. The dismissal of lord Somers was immediately followed by the resignation of the duke of Shrewsbury, the last of the great whig ministers. The earl of Jersey took the key of chamberlain, and Mr. Vernon officiated *pro tempore* as secretary of state for both departments.

The spirit of national resentment and animosity in Scotland seemed still to rage with unabated, or rather with increasing, violence. In the month of December, 1699, the council general of the company wrote to lord Seafield, “that they had prevailed on lord Basil Hamilton to go up to London with an address to his majesty in behalf of those men who were confined at Carthagen; and they requested that the secretary would introduce lord Basil to the king, and assist in obtaining a gracious answer.” Lord Seafield replied, “that his majesty did not refuse the petition, but could not allow lord Basil to be the presenter of it—that nobleman not having yet *owned* his majesty’s government.” In a short time official notice was given to the privy council of Scotland, “that his majesty, though he had refused access to lord Basil Hamilton, was resolved to demand the releasement of the prisoners at Carthagen from the Spanish court.—And that it was his majesty’s intention to advance the trade of Scotland, and to allow the subjects of that kingdom the same liberty of commerce that others enjoyed with the English plantations.” The directors of the company wrote a second letter to lord Seafield, “expressing their

deep regret that lord Basil should be refused access to the king—he being perfectly versed in the state of their affairs, and provided with ample instructions concerning them—adding, that they never heard his lordship had done any thing inconsistent with the duty of a loyal and peaceable subject.” The king, however, persisted in his resolution not to admit lord Basil into his presence ; and his lordship shewed equal perseverance in the prosecution of his suit. On his actually offering a memorial to his majesty on passing to the council chamber, and attempting to address him on the subject, the king, as we are told, with some marks of resentment repressed his importunity. Upon which lord Basil with a resolute air and tone of voice exclaimed, “I have a right to be heard, and I will be heard!” The king, turning to the nobles around him, said, “This young man is too bold, if any man can be too bold in the exuse of his country.”

In the month of March, 1700, the marquis of Tweeddale presented an address in the name of the Scottish nation, signed by an innumerable multitude, petitioning and almost insisting upon “a speedy session of parliament, in order that the Indian and African company of Scotland might be enabled to prosecute their undertaking with greater assurance and better success than they had hitherto been able to do.” In answer to which, the king engaged that the session should not be postponed beyond the month of May. And on the 21st of that month, the parliament was accordingly opened by the duke of Queensberry, lord high commissioner, with a most gracious letter from his majesty, asserting his royal intention to have held the session in person, had the state of affairs abroad permitted ; and expressing his very great concern at the misfortunes and losses the nation had sustained in their trade ; and promising to concur in any measures calculated to promote and encourage it. And the lord commissioner, in his speech, assured the parliament, that he knew his majesty’s mind to be so favorably disposed,

disposed, that there was a certainty of obtaining any thing that could be in reason asked on this head. But these soothing declarations seemed to produce little effect. In a short time a strong and inflammatory remonstrance was presented from the Darien company, reciting all the losses, disappointments and hardships they had sustained. This was followed by petitions and addresses of the same kind from all parts of the kingdom. And a resolution being moved, "that the colony of Caledonia in Darien was a legal and rightful settlement, in the terms of the act of parliament of 1695; and that the parliament would maintain and support the same:" the commissioner, to avoid the consequence of such a vote, immediately adjourned the parliament for three days. But all his endeavors in that interval to extinguish, or even to moderate, the flame which raged so fiercely, were ineffectual. The parliament met again in the same ferment, and with the same disposition as before---so that his grace was compelled, by a dangerous and invidious exercise of the prerogative, to adjourn them for twenty days more. This step the lord commissioner condescended to apologise for, in a plausible and popular speech, in which he declared, "that as he was ever firm and faithful to his king, so he was ever zealous for the honor and interest of his country---and that he had hoped at this time to do acceptable service to both." He told them, that he had power and instructions for every thing that appeared necessary or convenient for the good and advantage of the nation, as to their religion, property, liberty, trade; and particularly what could be of most solid use to the African and Indian company. But several things having occurred wherein he found himself obliged to consult his majesty, he was under the necessity of adjourning parliament for some days." But in the present paroxysm of enthusiasm, all these arts of conciliation were vain. The majority of the members met that very evening, and framed an address to the king in a high strain, rather
"besieging

“besieging than beseeching” the throne—and demanding that parliament should meet on the day to which it was then adjourned, and to sit as long as might be necessary for redressing the grievances of the nation. This was presented to the king by lord Ross, June 11th, 1700, at the head of a deputation appointed for that purpose: and they received for answer, “that they should know his intentions in Scotland.” In the interval, the parliament had been again adjourned by proclamation, on which great tumults had ensued in the city of Edinburgh; and the malcontent members talked of sitting by force. The boldest language was unreservedly used; the nation was said to be out of the protection of the crown—and, if another convention had been in this crisis called, there was reason to believe that the throne would have been a second time declared vacant.

Justly alarmed at this state of things, the king at last wrote (July 26), to the lord commissioner a remarkable letter, afterwards published by authority, in which he declared, “that if it had been possible for him to have agreed to the resolve offered to assert the right of the African company, he had readily done it for the satisfaction of his people—That he was truly sorry for the nation’s loss, and most willing to concur with his parliament in every thing that could be reasonably expected of him for aiding and supporting their interests—and for demonstrating his hearty inclination to advance the wealth and prosperity of that his majesty’s ancient kingdom—That he was confident this declaration would be satisfying to all good men, who would certainly be careful both of their own preservation and of the honor and interest of the government, and not suffer themselves to be misled, nor to give advantage to enemies and ill-designing persons ready to catch hold of any opportunity, as their practices did too manifestly witness.”—This declaration produced a sensible effect upon the minds of all who were capable of reflection: and though a second violent

violent national address was signed, the parliament had met before it could be presented, and the king wisely referred it to their consideration. The king's letter to the parliament, at the re-commencement of the session, was conceived in the softest and most insinuating terms, engaging to give the royal assent to all such bills as should be offered to him for the better establishment and security of the religion, liberty, and commerce of the nation, so that nothing should be wanting on his part to make his people contented and happy.

Another warm and angry representation was nevertheless presented from the Darien company, the very first day of the renewed session, which was immediately followed by the second national address. But the storm now began visibly to abate. The parliament saw that the loss the nation had sustained, however great, was irretrievable. They could not but perceive the extreme difficulty of the king's situation; and if his conduct was not wholly to be vindicated, it doubtless claimed the most candid construction, and admitted of the greatest palliation. What better could be done than, forgetting the past, to embrace and improve the present favorable disposition of the court to enact laws and establish regulations such as the state of the kingdom required—such as were most conducive to the permanent welfare and prosperity of the country? These public considerations, corroborated no doubt by others of a more private nature, happily prevailed. The indignant humor of the parliament, and even of the nation, gradually subsided: and when the great question of supplies came under discussion, January 21, 1701, a loyal cheerful vote passed; “that, in consideration of their great deliverance by his majesty, and that, next under God, their safety and happiness depended wholly on the preservation of his majesty's person and the security of his government, they would stand by and support both his majesty and his government to the utmost of their power; and maintain such forces as should

should be requisite for those ends." To sum up the whole, this factious and turbulent session had a calm and peaceful close; and the lord commissioner, after the rising of parliament, was honored by an high and unusual compliment with the order of the garter, and the earl of Argyle with a dukedom; in acknowledgment of the eminent services performed by them in the course of this arduous business.

It is now necessary to advert to the state of affairs in the northern kingdoms of Europe, where, about this time, very striking scenes began to unfold themselves, of less moment indeed to England than those of the south, but by no means unconnected with her national and political interests.

Christiern V. king of Denmark had departed this life about the close of the preceding summer (1699), and was succeeded by his son Frederic IV. who, with the aspiring views common to princes, immediately conceived, and was impatient to carry into execution, great and extensive views of aggrandizement. Finding a perfect concurrence of sentiment in all the powers bordering on the southern shores of the Baltic, a grand confederacy was formed, of which the czar of Muscovy, the kings of Poland and Denmark, and the elector of Brandenburg, were the high contracting parties, and which had for its object a joint and general attack upon the kingdom of Sweden, then under the government of Charles XII. a youth of eighteen years of age, and whose great and heroic qualities were as yet unknown to the world, and probably to himself. According to the plan concerted by the confederate powers, Sweden was to be assailed, at one and the same time, in Holstein by the king of Denmark, in western Pomerania by the elector of Brandenburg, in Livonia by the king of Poland, and in Ingria and the provinces lying eastward of the Gulph of Finland by the czar of Muscovy. Holstein was not indeed a province of Sweden, but the duke of Holstein had married the elder sister of the king of Sweden; and was united
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in the closest bonds of alliance and friendship with that monarch. On pretences too futile to enumerate, the king of Denmark entered the territories of the duke, and laid close siege to Toninghen.

The king of Sweden had not been inattentive to the dangers which threatened him. In the month of January this year (1700), he had concluded a treaty with the maritime powers, in which the contracting parties engaged for the reciprocal guarantee of each other's dominions: and the king of England resolved to maintain, by the most vigorous measures, the dignity of his character as the general guardian and mediator of Europe. The king of Denmark, knowing the situation of affairs in Great Britain, was indiscreet enough publicly to say, "that while the king of England was at variance with his parliament, he would be able to do but little in Europe." This being reported to king William, that monarch observed to the marquis de Foret, a Saxon nobleman attached to the Danish court—"that he would make Denmark know he was still able to do something in Europe." A formidable fleet was immediately equipped both in the English and Dutch ports: and in July, 1700, sir George Rooke, who was appointed to the command, arrived in the Sound--and being soon after joined by the Swedes, the combined squadrons consisted of no less than fifty-two ships of the line of battle. The Danish fleet, unable to resist so great a force, retired within the harbor of Copenhagen; and that metropolis was subjected to the insult of a slight bombardment.

The dukes of Lunenburg, acting in concert with England and Holland, at the same time passed the Elbe with a large body of troops, and, joining the Swedish and ducal army, obliged the Danes to raise the siege of Toninghen. The king of Denmark now declared his willingness to accept the mediation of the maritime powers in conjunction with France, and requested the English admiral to desist from all farther hostile operations. But sir George Rooke replied,

replied, that, though to effect a permanent accommodation was the great object of his expedition, he had no power to agree to any temporary cessation. In the beginning of August the king of Sweden landed in person on the isle of Zealand, and preparations began to be seriously made for the siege of the Danish metropolis. But the English commander not displaying all the alacrity which the impatience of the king of Sweden thought the occasion called for, some warm expostulations are said to have fallen from the lips of that monarch—to which sir George Rooke coolly replied, “I was sent here to serve your majesty, not to ruin the king of Denmark.”

His Danish majesty was now sufficiently humbled to accept the mediation of the maritime powers without the concurrence of France—and a treaty of peace was signed under their guarantee, at a house of the duke of Holstein, called Travendahl, in the neighborhood of both camps, August 18th, 1700, on the principle of mutual restitution—the king of Denmark paying to the duke of Holstein 260,000 rix-dollars for the charge of the war. The fleets of England and Holland did not leave the Baltic till the Swedish armies had reached in safety their native shores. They then returned in triumph from this memorable expedition, which entitled the king of England, beyond all dispute, to the glorious appellations of pacificator and arbiter of the North.*

An event happened in the course of this summer, which excited great and universal concern. The duke of Gloucester,

* To some modern ministers it may well appear incredible, but bishop Burnet assures us that the baron de Pleffe, confidential minister to the late king of Denmark, not choosing, at the accession of the new king, to engage in what the *infamous flatterers* of the court no doubt styled “a just and necessary war,” voluntarily resigned his employments—which he had filled with great ability and reputation. The bishop styles him “one of the ablest and worthiest men he ever knew;” but when things were taking another course, and the path of rectitude was to be abandoned, he showed, by an illustrious example, that “the post of honor was a private station.”

cester, only son of the prince and princess of Denmark, a youth of promising hopes, had completed his eleventh year on the 24th of July, 1700, on which occasion a gala had been celebrated at Windsor. In consequence it was thought of being over-heated with dancing, he was seized the next day with a malignant fever, for which cordials were prescribed by the physicians, apparently with no other effect than to inflame the disorder. And on the 30th of the month he expired at midnight, to the inexpressible grief of his parents, being the only surviving child of a very large family. On this melancholy catastrophe, the eyes of the nation were turned to Sophia, electress dowager of Hanover, youngest daughter to the queen of Bohemia, and grand-daughter of king James I. This princess was already by implication next in succession to the crown, after the princess of Denmark, the catholic branches of the royal family being excluded by act of parliament. The electress, on receiving this intelligence, immediately repaired to the Hague, in order to confer with the king on the measures necessary for the present security and eventual establishment of the protestant succession in the house of Brunswick.

The second treaty of partition, which the king was vainly anxious to conceal, was by this time generally known throughout the kingdom, and almost as generally condemned. It was said, that so important an affair ought not to have been concluded without the advice of parliament—that it was a violation of faith, as contrary to the conditions of the league of Augsbourg—that unless concerted with the king of Spain, it was unjust in the contrivance and hazardous in the execution—that the terms granted to France were prejudicial to the interests of this country, and destructive to the balance of power; as the possession of Naples and the Tuscan ports must subject Italy to their yoke, whilst the cession of Guipuscoa afforded them an inlet into the heart of Spain.

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The almost-extinguished hopes of the jacobites revived at the political discontents of the nation, taken in connection with the death of the duke of Gloucester. And Mr. Graham, brother to lord Preston, was dispatched to St. Germaine's with a proposal to settle the crown by act of parliament on the pretended prince of Wales; and an assurance that the king would not be supported in the execution of the partition treaty. But the court of St. Germaine's, as the earl of Manchester asserts in his dispatches, would never listen to any proposition which implicated a change of religion in the prince;—the king and queen having declared they would rather see him in his grave.

The conduct of the court of Versailles, since the conclusion of the second treaty of partition, had been in the highest degree artful and insidious; whilst that of the Imperial court was in the same proportion weak and irresolute. The emperor persisted in refusing to accede to the treaty of Loo, though no vigorous or effectual steps were taken to ensure the succession to the archduke, against the formidable combination of France and the maritime powers. “The grand dependance of the court of Vienna,” as M. de Villars informs us, “was upon what they were pleased to call ‘the miracle of the house of Austria;’ and a multitude of examples were cited concerning that august house, which, when apparently ready to fall, had raised itself, after being lost to all hopes.” It was not that men of genius and talents were wanting, but the reigning monarch had not the faculty of discerning them. The count de Jerguer, in particular, declared “that he had assuredly a very strong belief of *past* miracles, but that, as to present ones, he was altogether sceptical.—That he looked upon the king of Spain as dead; and that their resolutions ought to be as decisive as if they expected to receive the news of it to-morrow. He regarded all compromise as impracticable; and it was his opinion that they ought to prepare for war.” But the Imperial court still continued to hesitate and temporize

porize, and by a policy neither warlike nor pacific she forfeited the advantages of both.

In the mean time the marquis of Harcourt continued his intrigues at Madrid with the greatest address and assiduity. He had entirely gained over to the interest of France the major part of the Spanish nobles, who were persuaded that France was the only power which could preserve the Spanish monarchy from dismemberment, which of all things the Spanish pride most dreaded. The queen of Spain, aunt to the archduke, who had hitherto been most zealous in the cause of the house of Austria, began to perceive that she was striving in vain against the current. The council of Spain, with the single exception of the count d'Acquilar, had resolved, "that the best advice they could give his majesty was, to declare a prince of France to be his successor." The queen knew her unpopularity both with the nobles and the nation at large—her violent and rapacious conduct had alienated the hearts of all from the Germans—and fearing that France would be ultimately successful in spite of all the opposition she was able to raise, it appeared time to consult her own interest and safety by a reconciliation with the predominant party.

The king of Spain was now drawing apace to the close of his miserable life: and the reflection that a prince of the Austrian line must owe his chief support to heretics, was thought much to affect his weak and superstitious mind. Cardinal Porto-Carrero, for the repose of the king's conscience, advised him to consult the pope on this momentous point of regulating the succession. Innocent XII. who was firmly attached to France, after taking the opinion of a college of cardinals, determined against the validity of queen Maria Teresa's renunciation, as being "founded on compulsion, and contrary to the fundamental laws of the Spanish monarchy; and exhorted his catholic majesty to make his will in favor of one of the French king's grandsons, by which he would effectually contribute to the propagation of the

the faith and the repose of Christendom." As soon as this infallible decision was procured, the cardinal of Toledo redoubled his efforts to persuade the king his master to act in conformity to it. And having at length fixed the wavering disposition of the king, a new testamentary arrangement took place, dated October 2d, 1700; by which the monarchy of Spain, with all its dependencies in the four quarters of the globe, were left to the duke of Anjou, second son of the dauphin; and in default of issue to his brother the duke of Berri, and next to the archduke Charles. As the last extreme of even regal imbecility and folly, it deserves mention, that among other forfeitures of the crown specified in the will of the king of Spain as conditions imposed upon his successors, is the denial of the doctrine of the immaculate conception of the Virgin Mary.

Although nature appeared wholly exhausted, and the art of medicine could no longer afford the smallest relief, the king lingered a few weeks after signing this new will; and breathed his last on the 1st of November, 1700. An express was immediately dispatched to the court of France with the intelligence of this important event. In two hours after its arrival, a council was held in madame Maintenon's apartments. The king of France was, or affected to be, irresolute as to the acceptance of the will; and the majority of the ministers of state present gave their opinion in favor of adhering to the treaty. But the dauphin declared the honor of France to be sacrificed in refusing the bequest; and madame de Maintenon asked, with an air of impatience, "What had the duke of Anjou done to provoke the king to bar him of his right of succession?" The king at length yielded; on which great joy was expressed; and sending for the duke of Anjou, he said to him in the presence of the marquis des Rios, "Sir, the king of Spain has made you king. The grandees demand you, the people wish for you, and I give my consent." Render yourself worthy of the throne you are going to mount." The dauphin

dauphin triumphantly declared, that it should be his glory to say, "the king my father, and the king my son." All the princes of the blood came to congratulate the new sovereign, who set out early in December, 1700, accompanied by his two brothers, to take possession of the kingdom. On parting, the king of France exclaimed, "*Il n'y a plus de Pyrénées !*"

In the dispatch written on this event by the earl of Manchester to the earl of Jersey, the ambassador says, "that M. de Torcy informed him, the king of France had well considered the occasion and intent of the late treaty with England; which was to prevent a war in Europe—that the refusal of the emperor to accede to the treaty, and the discontents that had arisen in England and Holland in consequence of it, had convinced the king his master of the necessity of accepting the will of the king of Spain in favor of the duke of Anjou—that it was certain the treaty was more advantageous to France, and was what the king wished; but that, in order to carry it into execution, whole kingdoms must be conquered—the Spaniards being resolved not to suffer the dismemberment of the monarchy. Finally, that the king of France hoped that the strength of these reasons would so far prevail with the king of England, that there might still be the same good understanding as ever, which was so necessary for the good and quiet of Europe." To this urgent dispatch, in which the ambassador requested decisive instructions in what manner to act, an answer was returned by secretary Vernon, coldly expressing, "that the king must be allowed to consider what might be the consequence of so sudden a change, and to learn the sentiments of other princes and states who are equally concerned in the preservation of the balance of power in Europe."

On his return to England in the month of October, 1700, the king made such arrangements as he had concerted, in order to establish the ascendancy of the tories in the administration. Lord Godolphin was restored to his former post
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in the treasury; lord Tankerville made privy-seal in the room of lord Lonsdale deceased; the earl of Rochester was appointed lord-lieutenant of Ireland; sir Charles Hedges constituted secretary of state; and in order that the eloquence of Mr. Montague might be for ever silenced where it had the greatest scope for exertion, and would be attended with most effect, he was created a peer by the title of baron Halifax.

The new ministers thinking their interest would be strengthened by a re-election, a dissolution immediately took place; and a new parliament was summoned for the 6th February, 1701. In the interval very important negotiations were carrying on with redoubled assiduity in the different courts of Europe. The king of France had now taken a decided and irrevocable part. His highest ambition was gratified in setting his grandson on the throne of Spain with the unanimous approbation of the Spanish nation: and as he well knew that the point of honor with them consisted in preserving the unity of the monarchy, he resolved not to listen to any proposal of dismemberment; though otherwise really desirous of maintaining the peace of Europe, and willing to give any reasonable security as a pledge of his sincerity.

The obstinate silence of the king of England was calculated to excite the most serious apprehensions of the court of Versailles, which seemed to regard the menaces of the emperor with contempt. Holland however required all the arts and refinements of management; and a memorial presented by M. Heemskirke, the Dutch envoy at Paris, complaining of the violation of the late treaty, was answered with great ability, the answer being afterwards published as a sort of manifesto. In this paper it is maintained, “that the execution of the treaty would have produced infinite troubles—that while his most christian majesty observed the *spirit*, he was not liable to the least imputation for abandoning the letter—that the same motive which had induced him

him to make the treaty had induced him to accept the will, viz. the desire of peace—that all the disadvantage arising from this change of measures redounded to himself—that his majesty had therefore reason to believe his allies would praise his moderation rather than complain of his conduct.

—The people of Spain receive, with the peace, him whose birth, the disposition of the late king, and the universal wishes of all the estates of the monarchy call to the crown.”

In the month of December, 1700, the count de Tallard came to England as ambassador of France, and, being admitted to an audience of the king at Hampton-court, delivered to him a letter from his most christian majesty. The count was received with cold and distant civility—the king of England expressing in general terms his desire “that all the world should be satisfied of his disposition to preserve the public tranquillity.” The ambassador answered, “that his master had the same inclination to peace, and thought he had given a proof of it by accepting the king of Spain’s will.” The king replied drily, “that he did not understand how that could be made out.” In a dispatch to M. Briord, the king of France, whose practice it was to correspond with his ministers personally, instructs the envoy to inform himself of the designs of Holland, and observes, “that the alacrity which appears at present in the negotiations carrying on with the princes of the empire differs widely from the dilatoriness of the same pensioner when negotiating with the same princes to bring them into the partition treaty.” And in a following dispatch, dated December 24, 1700, he says, “It is certain the king of Great Britain will find great opposition from his parliament in case he is disposed to carry things to a rupture.”—And he expresses great anxiety for the evacuation of the Spanish barrier towns by the Dutch garrisons. On the supposition that the present differences might be accommodated conformably to the proposal of M. Lillieroot, he declares, “that one of the articles of the new alliance ought to contain a

provision for the withdrawment of the said troops, on which condition he would engage not to replace them with any of his so long as the alliance subsisted.”*

The elector of Bavaria, governor of the Low Countries, on the death of the Spanish monarch had without hesitation acknowledged the validity of the will, and been forward in his professions of zeal and attachment to his successor.

At this period died pope Innocent XII. and cardinal Albani was, at fifty-three years of age, unexpectedly raised to the pontificate in his stead, by the name of Clement XI. ; and though not accounted one of the French faction, and even opposed in his election by the French cardinals, the court of Versailles had the address entirely to gain him over in a short time to their interests.

The emperor in the mean while, astonished at the fatal turn things had taken, fell into all the perplexities and uncertainties which great disappointments, great pride, and great weakness always occasion. Determined at length by passion, not by policy, and, wholly destitute of present support, upon measures of hostility, he issued his Imperial mandate to the inhabitants of the Milanese, reclaiming that duchy as a fief of the empire, and commanding all persons to yield obedience to the same as his feudatories, on pain of being treated as rebels. “The French,” according to the representations of the earl of Manchester, “held his impotent efforts in contempt—yet they resolved to take right measures in case of the worst.” At the end of December, 1700, count Wrattislaw arrived in London as ambassador extraordinary from the emperor. He did not, as it appears, at the first meet with a very flattering reception. But the whole tenor of the negotiation carried on at Paris and Madrid demonstrating that no material concession was to be expected from France ; and, what appears to have affected very strongly the feelings of the king of England, the Dutch garrisons being expelled from the barrier towns, and

* Cole's State Papers. Letter of secretary Vernon to the earl of Manchester.

and French troops introduced; the court of London began in earnest to listen to the propositions transmitted from Vienna.*

Such was the state of affairs when the new parliament met at Westminster on the 10th of February, 1701. On the preliminary contest on the choice of a Speaker, it was carried in favor of Mr. Harley by 249 voices to 125 who declared for Sir Richard Onslow—a clear demonstration of the great predominance of the tory interest. In his speech to both houses, the king took notice of the “necessity of a farther provision for the succession to the crown in the protestant line. The death of the late king of Spain,” said the monarch, “with the declaration of his successor to that monarchy, has made so great an alteration in the affairs abroad, that I must desire you very maturely to consider their present state. And I make no doubt but your resolutions thereupon will be such as shall be most conducive to the interest and safety of England, the preservation of the protestant religion in general, and the PEACE of all EUROPE.” The rest of the speech consisted of the common-place topics of supplies, regulation of trade, unanimity and vigor, &c. except a recommendation to the house to “consider what *augmentation* may be requisite for the navy, which is the great bulwark of the English nation—and ought, at this conjuncture most especially, to be put into a good condition.”

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* The king of France, in his dispatch of December the 24th, 1700, to monsieur Briord, says, “Means must be used to dislodge the Hollanders, and to leave the Spaniards in the sole possession of their own towns.” On the 6th of February, 1701, a number of French troops were introduced into all the barrier towns, from Luxemburg to Ostend and Nieuport, with so much secrecy that the Dutch officers in those places had not the least previous suspicion of the design; and the next day an apologetic memorial, most ably drawn, was presented to the states-general, stating the reasons for this measure, and declaring it was no longer possible to leave the troops of their high mightinesses in the fortresses of a king whom they did not own.”

The session seemed to open with happy omens. A resolution passed by a great majority, "that the house would stand by and support his majesty and his government, and take such effectual measures as might best conduce to the interest and safety of England, the preservation of the protestant religion, and the PEACE of EUROPE." The last words were objected to by Seymour, Howe, Musgrave, and others of the party, who affirmed, that they had an ambiguous signification, and, in their opinion, portended war. Terms were sometimes, it was remarked, inverted, and this was such a sort of an oracle as Janus himself might have delivered. This being made a test of party, a division ensued, and the clause in question was confirmed by a majority of eighteen voices only, the numbers being 181 against 263. The court of France seemed also to be much staggered at this species of double response. The earl of Manchester says to secretary Vernon, "They have the king's speech at this court. I hear they do not know what to make of it, and still suspect us."

In the mean time the states-general, being repeatedly pressed upon the subject by France, thought proper to recognise in form the new king of Spain; of which they apprised the court of London in a memorial, which the king ordered to be laid before the house. In this paper their high mightinesses declare, "that, notwithstanding the recognition made by them, they had reserved to themselves the liberty of stipulating in the negotiation about to commence for such conditions as were necessary to secure the peace of Europe—that in this negotiation they had firmly resolved to do nothing without the consent of his majesty and the other powers interested in the maintenance of the peace; as they had declared to the ambassador of France. And finally, been apprehensive of a sudden attack, they make a requisition of the succors due to them by the existing treaties."

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The commons on this communication voted, without hesitation, an address to the king, "that he would be pleased to enter into such negotiations in concert with the states-general and other potentates as might most effectually conduce to the general safety ; and giving him assurances of support and assistance in the performance of his engagements." It having been suggested in the discussion, that it might be no less proper for England than Holland to own the title of the king of Spain ; Mr. Monkton, a zealous whig, with great heat replied, "that if such a vote was carried, he should expect that the next vote would be for *owning* the pretended prince of Wales." In the present temper of the house, this extraordinary folly was much applauded, and produced no inconsiderable effect.

With the Dutch memorial was also presented to the house an intercepted paper, purporting to be a letter from the earl of Melfort, the discarded secretary at the court of St. Germaine's, to his brother the earl of Perth, governor of the young prince, full of wild and incoherent projects, endeavoring to shew how favorable an aspect the affairs of the king then wore, and urging the propriety of some "great and vigorous attempt against England.—But this," he says, "will never be done by a protestant minister"—meaning the earl of Middleton—"lazy in his temper, an enemy to France by his inclinations, tainted with commonwealth principles ; and against the king's returning by any other power than that of the people of England, and upon capitulations and terms—who is suspected of giving aid to the *compounders*, if not worse." This contemptible epistle, which exhibits the character of the earl of Melfort, who had so long possessed the real confidence of the court of St. Germaine's, in a most degrading point of view, in the present juncture answered the purpose of the court of London, by increasing and inflaming the political animosity against France. The commons do not appear to have thought it worthy of specific notice ; but the lords presented an address
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of thanks to his majesty, for communicating to them the earl of Melfort's letter; and desiring that popish recusants should be removed from London, &c.

The court of Versailles were highly offended at the use made of this letter, which M. de Torcy told the earl of Manchester "*was intended* to incense the nation, and shewed a *desire* of breaking with France." He represented lord Melfort as a despicable person, who had no credit at Versailles, or even at St. Germaine's—and, upon the whole, he seemed to conclude, that the court of London *meant* to enter into a war. In order, nevertheless, to give every reasonable satisfaction on this head, the earl of Melfort was banished by a *lettre de cachet* to Angers.

In consequence of the late address of the commons, followed by a vote for 30,000 seamen, the courts of London and the Hague assumed a very lofty tone; and instructions were transmitted to Mr. Stanhope, resident in Holland, to enter into an immediate negotiation with the ministers of France and Spain, upon the conditions therein specified—importing, not only that the French troops shall evacuate the Spanish fortresses, but that Nieuport and Ostend shall be put into the hands of the English—and Luxemburg, Namur, and Mons, to which the states-general thought proper to add Venlo, Ruremonde, Stavenswart, Charleroi, Dendermonde, Damme, and St. Donat, with their appurtenances, be consigned to their high mightinesses, during such time as shall be agreed upon—with various other demands, which, when communicated to M. D'Avaux, appeared so extravagant, that he declared they could not have been higher if his master had lost four successive battles.

The king of France, perceiving no prospect of peace on moderate terms while harmony subsisted between the king and parliament of England, is charged with using corrupt and clandestine means to involve the English in domestic broils, in order to embarrass the measures of the court. The prodigious influx of louis-d'ors and pistoles at this period

period is a fact admitted by all ; and the mercantile solution, founded on the pretended favorable course of exchange, is scarcely sufficient to obviate the jealous apprehensions of the politician. Bishop Burnet asserts, though his characteristic credulity and carelessness reduce his authority very low, “ that the packet seldom came without 10,000 louis-d’ors, and often more—that the nation was filled with them, and that in six months’ time a million of guineas was coined out of them.” From the unquestionable evidence of a proclamation, published February 5th, 1701, it appears, that these coins were in very extensive circulation—and his majesty, being, as the proclamation expresses, “ desirous to prevent the damage that may accrue to his good subjects by the great quantity of such French louis-d’ors and Spanish pistoles as have been of late imported into this kingdom, and received for more than their intrinsic value, orders that they shall not hereafter pass for more than seventeen shillings each.”

Certain it is, that at this period the temper and disposition of the house of commons sustained a sudden and unexpected change. But it must at the same time be admitted, that there existed internal and political causes apparently not inadequate to the effects produced. The great body of the tories were still dissatisfied with the ministerial arrangements, from which several of the most popular and distinguished leaders of the party, Seymour, Musgrave, Howe, &c. were excluded. Though animated in a certain degree by the national resentment against France, and solicitous to obtain satisfaction and security, they were desirous to avoid the folly and danger of a war, the object of which, carried on in conjunction with the emperor, must be not security but conquest. The balance of power in Europe was alleged to be in danger by the close political union of the two monarchies of France and Spain under the house of Bourbon. The maritime powers, combined with Austria, resolved therefore to humble the pride and dismember the territories
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of that formidable house. But if they were able to do this, the balance of Europe was not in danger---and if they had not the ability, it must be the extreme of folly to risk the attempt. But the whigs, who were inspired by greater zeal against France, and at the same time eager to recover the ground they had lost with the king, entered into the views of the court without constraint or difficulty---and, if the war now in contemplation should receive the sanction of the nation, there was reason to apprehend they would quickly regain their ascendancy. The tories therefore determined, while yet the superior party, to aim such a blow at the heads of their antagonists as they should never be able to recover.

On the 10th of March, 1701, a motion was made in the house of lords, where the attack was destined to begin, to take into consideration certain papers previously laid before their lordships, relative to the negotiations carried on under the late whig administration; and a committee was nominated to make a report of the contents. This committee, of which the earl of Nottingham was chairman, and the most active members of which consisted of determined tories or discontented whigs, brought forward a number of resolutions, on which the house, taken as it seems by surprise, grounded an address to the king, strongly condemning the partition treaty, which no one indeed pretended entirely to justify. The earl of Rochester and the other ministers present concurring in this address, the whig lords in connection with the court, who were very numerous, acquiesced, seeing that the address was so worded as to avoid all personal attack upon the late ministers, but rather containing an exculpation of them, as not having been admitted to a participation of the counsels which produced it. Very few of the peers attended the lord-keeper on the presentation of this address to the king, who evasively replied, "that it contained matter of great moment, and that he
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would always take care that the treaties made by him should be for the honor and safety of England."

But this was only the prelude to what was soon to follow in the grand scene of political action, in the lower house; where, on the 21st of March, 1701, an address was voted "to thank the king for his communications respecting the state of the negotiation;" and the whigs proposing to add, "and for his majesty's care of these nations and the PEACE of EUROPE," one of the most violent debates ever known in the house of commons took place, in which the political system of the court was attacked with the utmost severity, and the partition treaty reprobated in terms of the extremest virulence. It was styled by Mr. Howe "A FELONIOUS TREATY,"—and it was said to be not more iniquitous than impolitic. The question being at last referred to a division of the house, it was carried in the negative by 193 to 187 voices—notwithstanding the insidious support of the Tories in office, who professed to regard the words as merely complimentary.

Having obtained this victory, the leaders of the Opposition next moved, instead of the clause rejected, to lay before his majesty "the ill consequences of the treaty of partition to this kingdom and the PEACE of EUROPE." This being agreed to without a division, a committee was appointed to draw up an address conformably thereto; in which, after returning thanks to the king for acquainting the house with the state and progress of the negotiations now pending, they go on to say, "which method had your majesty been advised to take before the treaty of partition was perfected, which was passed under the great seal of England during the sitting of parliament, and without advice of the same, we had been prevented from laying before your majesty what we are now bound in duty, though with grief, to do—to which treaty may justly be ascribed the dangers which now threaten both this kingdom and the PEACE of EUROPE." The king felt a resentment on this occasion

occasion which he had too much discretion to express, and contented himself with a vague answer of the “ manifold benefits which would arise from the concurrence of parliament in all his negotiations for the happiness of his people and the PEACE of EUROPE.”

The earl of Manchester, in animadverting upon this incident, informs Mr. Vernon, that M. de Torcy told him “ the language of the English parliament respecting the king of France had been somewhat extraordinary; but he found the king of England himself was not much better used.” On the last day of March the king informed the house by message, “ that the negotiation already seemed to be at an end, by the refusal of the French ambassador to give any other answer to the demands made in his name and that of the states-general, than an offer to renew and confirm the treaty of Ryswic; and that the states had made a formal requisition of the succors due to them by treaty, viz. 10,000 troops and twenty ships of the line. And his majesty desires the commons will give him such advice thereupon as may be for our own security, and that of the states-general and the PEACE of EUROPE.” In return the commons advised to carry on the negotiations in concert with the states, and assured his majesty, “ that they would enable him to fulfil the conditions of the existing treaty.”

At this period, and not before, the king of Spain thought fit by a letter in his own hand to notify his accession to the king of England—it being thus long delayed, doubtless, lest a public affront should be put upon him by a refusal to receive it. But after the public recognition of his catholic majesty by the states-general, it was intimated to the Spanish court, “ that such a notification would be acceptable;” and it was answered by a letter from the king of England, dated April 17, 1701, expressed in very gracious and highly-complimentary terms.

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The affair of the partition was now resumed with great violence by the house of commons; and the papers which related to the negotiations at Loo were scrutinised with all the keenness of wit sharpened by malice. Of the debates which ensued it is needless to speak; the substance of them has been abundantly anticipated. As the ultimate result of the whole, it was resolved by the house, "that the earls of Portland and Orford, and the lords Somers and Halifax, be IMPEACHED at the bar of the house of lords of HIGH CRIMES and MISDEMEANORS." The resolution against the earl of Portland was carried without a division: against lord Orford the numbers were 193 to 148; lord Somers, 198 to 188; lord Halifax, 186 to 163: thus with gross partiality passing over the earl of Jersey, secretary of state; and sir Joseph Williamson, resident at the Hague—who were privy to the whole transaction, and involved in the same community of guilt.

Pending the debates, and previous to passing the vote of impeachment, lord Somers desired to be heard in his own defence—and a chair being placed for him within the bar, he first sat down covered, according to the ceremonial used on such occasions; and afterwards rising and remaining uncovered, he entered into so masterly and eloquent a vindication of his conduct, that, had the question been immediately put, it was believed he would have been acquitted by a great majority. He admitted "that the king had asked the advice of his confidential servants upon this occasion; and that his majesty had even informed him, that if he and his other ministers thought that a treaty ought not to be made upon such a project, then the whole matter must be let fall, for he could not bring the French to better terms. His lordship pleaded, that it would have been taking too much upon himself if he should have put a stop to a treaty of such consequence—Had the king of Spain died before it was finished, and the blame been cast upon him for not sending the necessary powers, he could

not

not have justified himself, since the king's letter was a warrant. At the same time he wrote his own opinion very fully to his majesty, objecting to many particulars, and proposing several things for the advantage and interest of England. Soon after the powers were transmitted by him, the treaty was concluded, to which he affixed the great seal, as he thought himself bound to do—Thus as a privy-counsellor he offered to the king his best advice, and as chancellor he had discharged his acknowledged and official duty. The king's letter was not indeed a formal, though a real warrant—but he did not think it became him to endanger the public by laying any stress on a point of form, at so critical a time, and when the greatest dispatch was requisite.”---After all, a certain degree of blame must attach itself to this great man for his conduct in this business; and the ultimate decision being left to him, he could not avoid contracting a heavy responsibility. Knowing or believing the treaty to be fraught with ruinous consequences, it was his duty at all hazards to resist; and the commands of the king can never be constitutionally pleaded in vindication or even palliation of the slightest dereliction of duty.

Immediately consequent to the votes of impeachment a motion was made, to which all the previous proceedings had reference, and for which alone they were probably instituted, “to present an address to his majesty to remove the lords Somers, Orford, Portland, and Halifax, from his presence and councils for ever.” The question being first put relative to lord Somers, it was carried in the affirmative by 162 to 107 voices: the rest without a division.

The house of lords, who too late saw their error, were now roused to some exertion, and voted in their turn an address to the king, praying, “that the lords impeached at the bar of their house may not have any censure passed upon them until they are tried upon the said impeachments, and judgment be given according to the usage of parliament and

and the law of the land." This address the king received in profound silence ; not willing to say what might be displeasing to the lords on the one hand, or, which was much more anxiously to be guarded against, to do what might irritate the commons on the other. And as the great council of the nation, it seemed clearly within the province of the representatives of the people to pronounce upon the competency of the lords impeached to be hereafter employed in the public service, whether their offences came within the letter of the criminal code of parliament or not. The address of the commons was received by the king, who still paid vain court to the tories, with apparent complacency ; and he assured them " he would employ none in his service but such as shall be thought most likely to improve mutual trust and confidence, which was so necessary in the present juncture."

The house of commons, having now obtained the real purpose for which the impeachments were brought forward, appeared in no haste to proceed with the trials, but applied their attention to the providing supplies, which were granted with great liberality, and to the other necessary business of the session.

The house, in a grand committee, taking into consideration the state of the civil list, and the savings made by the non-payment of the 50,000*l.* per annum allotted as a dower to James's queen ; of 30,000*l.* per annum fallen in by the decease of Catherine queen dowager, and of 20,000*l.* per annum by the death of the duke of Gloucester, came to a resolution to apply 100,000*l.* per annum of the royal revenue to the current service. On the report, this resolution was combated by the whole strength of the whig party ; but it was at length, to the great chagrin of the court, carried by 214 to 169 voices.

In consequence of the clause in the king's speech recommending a farther provision for the succession of the crown in the protestant line, the house, to the confusion of the jacobites,

jacobites, with great unanimity resolved : “ 1st, That it is absolutely necessary a farther declaration and limitation be made of the succession to the crown. 2dly, That farther provision be first made for the security of the rights and liberties of the people—and LASTLY, That the princess Sophia, duchess dowager of Hanover, be declared the next in succession to the crown of England.” A bill was immediately introduced in conformity to these resolutions ; and a great variety of constitutional limitations and restrictions imposed upon the future inheritors of the crown : of which the chief were, “ that no foreigner, although he be naturalized or made denizen, shall be capable of enjoying any office or trust civil or military ; or of holding any grant of lands from the crown ; that the nation be not obliged to engage in any war for the defence of any dominions or territories not belonging to the crown of England ; that no person hereafter possessing the crown of England shall go out of the realm without consent of parliament ; that no person holding an office under the king, or receiving a pension from the crown, shall be capable of sitting in the house of commons ; that all future possessors of the crown shall join in communion with the church of England ; that no pardon be pleadable in bar of an impeachment ; and that the judges’ commissions be made *quamdiu se bene gesserint*.” These limitations do honor to the tories, whose interest it was at this time to keep on fair terms with the court, and who could not but be sensible that some of them must appear to reflect on the conduct of the reigning sovereign.

Having gone so far—perhaps in some points farther than a pure patriotism would have dictated—they still stopped short of the goal of political rectitude. For the interest of the nation evidently required, that a foreign prince inheriting the crown of England should at the moment of *his accession* relinquish his foreign territories—or, if the sacrifice were deemed too great, the crown thus declined ought to devolve to the next in succession. The famous Toland, in a political treatise published at the commencement of this session,

session, contends for the reasonableness of establishing at this critical juncture whatever terms the interest of the nation demanded. "Being," as he says, "to *elect* a successor, the nation might be allowed the same liberty which the Spaniards took in bestowing their crown; to choose out of the house of Hanover, or that of Brandenburg, which of the sons they pleased—and recommends it to be well weighed, whether we ought to make any of those princes kings of England, without obliging them at the same time to renounce their foreign dominions."—"For," says he, "if our crown should fall upon either of those families, they will fall under mighty temptations to enlarge their dominions beyond sea, in order to make the communication betwixt their old and new dominions more speedy and easy. This the family of Hanover may attempt, by falling down upon the Elbe and Weser, and swallowing up Hamburg, BREMEN, VERDEN, &c.—All these things, how remote and chimerical soever they may seem at present, ought to be considered.—If the prince upon whom we devolve our crown does not think it worth his while to grant us such security, I am of opinion that it will not be worth our while to court such a governor."

The Act of Settlement, with its attendant limitations, passed with national applause. It had nevertheless to encounter an opposition of a singular nature, originating in a very remote quarter. ANNE of ORLEANS, duchess of Savoy, of the blood-royal of England by Henrietta her mother, youngest daughter of Charles I. was beyond all question, according to the law of hereditary succession, heiress of the crown of England, on the exclusion of James and his immediate descendants. The ambassador of Savoy, by order of this princess, delivered a paper to the Speaker of the house of commons, in which she declares, "that she gladly embraces the occasion which offers, to display to the people of England the pride she takes in the right she derives from her descent to that august throne."—After stating her *incontestable pretensions*, she concludes with

with protesting against every deliberation and decision which shall be contrary thereto. The conduct of the duke of Savoy had been such, that the chagrin discovered on this occasion by the court of Turin excited rather pleasure than sympathy--and the PROTEST itself was deemed too insignificant for notice. The earl of Macclesfield was deputed by the king to carry the joyful intelligence, with the insignia of the order of the garter for the elector, to the court of Herenhausen; where he was received with the highest marks of distinction, and rewarded with very rich and splendid presents.

Several weeks having elapsed without any progress made in the business of the impeachment; the lords thought proper by message to remind the commons, that articles had not yet been exhibited against the peers impeached. This was by no means a welcome hint--but they replied, that articles were preparing; and in a short time they were actually presented at the bar of the lords. The accused peers in a very few days made their answer. On the 21st of May, 1701, another message came from the lords, pressing the commons to give in their replication, and proceed to trial; and representing the hardships of delay to the persons accused. The commons took fire at this, and informed their lordships "that they had prepared a replication to lord Orford; but chose to defer the carrying it up, because, from the nature of the evidence, they chose to proceed with the trial of lord Somers first--affirming in a high tone their right, as prosecutors, to be the proper judges of the time of conducting their own prosecution." The same day the replication to lord Somers was reported, and ordered to be engrossed. And in the interim the lords apprized them by message, "that they had appointed the 9th of June, 1701, for the trial of lord Orford; asserting, that the right of limiting a time for avoiding delays in justice was lodged in them." A very warm altercation and repeated conferences on various points of order ensued, till the commons were provoked to complain, "that

“ that they had been obliged to spend that time in answering their lordships’ messages, which would have been otherwise employed in preparing for the trials, so that the delay must be charged to those who gave occasion for it.”

At the last of the conferences, lord Haversham having intimated his opinion that the commons were chargeable with gross partiality in the business of the impeachments, and that the plea of justice was only a mask to cover their real design, the managers on the part of the commons insisted on breaking up the conference; and the house, on their report, passed a vote, “ that John lord Haversham had uttered most scandalous reproaches and false expressions, highly reflecting on the honor and justice of the house of commons :” and on being invited by the lords to renew the conference, they returned for answer, “ that this was not consistent with their honor, till they had received reparation for the indignity offered by lord Haversham.” Notice being sent from the lords, that the trial of lord Somers, now, according to the desire of the commons, first in the order of precedence, was fixed for the 17th of June; the commons absolutely refused to attend, assigning as their reasons: 1st, The unprecedented refusal of their lordships to consent to the appointment of a committee of both houses for the settling the necessary preliminaries: 2dly, The want of a satisfactory assurance, that lords impeached of the same crimes shall not sit in judgment upon each other. 3dly, Because they have received no reparation for the great indignity offered to them at the last conference by lord Haversham. And a resolution passed the house, that no member do presume to appear at the place erected for the *pretended trial* of lord Somers. No accusers, therefore, standing forward to support the charge, it was moved, and carried on a division of fifty-six to thirty-one voices, that John lord Somers be acquitted of the articles exhibited against him, and that the impeachment be dismissed. The lords Portland, Orford and Halifax were in like manner

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acquitted

acquitted and discharged. And recollecting the impeachment exhibited against the duke of Leeds in the year 1695, and which had lain so many years dormant, they thought it reasonable to extend the indulgence of the house to him; and his grace was by a verdict of acquittal exonerated from the burden, though not from the reproach, of the impeachment. The commons retorted upon the upper house, by passing resolutions importing "that the lords had refused justice upon the impeachment of John lord Somers, and that, by the pretended trial of the said lord Somers, they have endeavored to subvert the right of impeachment."

In the midst of the dispute, or rather quarrel, of the two houses, an extraordinary petition was presented from the justices of the peace, grand jurors and freeholders assembled at the general quarter session of the county of Kent, urging the house, in language daring and arrogant, to come to speedy and decisive resolutions in support of the measures recommended from the throne. "We most humbly implore this honorable house," say the petitioners, in conclusion, "to have regard to the voice of the people, that our religion and safety may be effectually provided for—that your loyal addresses may be turned into bills of supply, and that his most sacred majesty, whose propitious and *unblemished* reign over us we pray God long to continue, may be enabled powerfully to assist his allies before it is too late." The house, exasperated at the boldness of this petition, or rather remonstrance, voted it to be "scandalous, insolent and seditious." The persons, five in number, who were delegated to deliver the petition into the hands of sir Thomas Hales, member for the county of Kent, in order to its being presented to the house, being called to the bar, owned it to be their petition, and that they had set their names to it; and shewing no disposition to apologise for the same, they were committed prisoners to the Gatehouse; where they lay to the end of the session,

visited

supported by great numbers of persons, and loudly applauded by the whig party, who were now rapidly recovering their popularity and ascendancy, as meritoriously suffering for their public spirit and patriotism the most odious and barbarous oppression.

The current began to set strongly for a war with France; and the commons made themselves many enemies, and incurred much reproach for their indiscreet and passionate conduct in this trivial business—and yet more serious censure for their gross and disgraceful partiality in the higher and weightier affair of the impeachments.

In the course of the session a pathetic letter from the states-general to the king was laid before parliament, in which they describe the extreme danger and difficulty of their situation, and the absolute need in which they stood of immediate and effectual assistance. They say, “that France is erecting forts under the cannon of their strong places, and drawing lines along their frontiers—that by their intrigues they have drawn away the princes who were their friends, from their interests—and that they are surrounded on all sides except that of the sea—that the winter, which had been hitherto their security, was now over, and they were on the brink of being invaded and overturned every moment—and, in fine, that their condition was worse than if they were actually at war. They remonstrate on the fatal consequences of being left in this exposed condition, and express their confidence in his majesty’s consummate wisdom, and the good intentions of the English parliament, to rescue them from that ruin with which they are threatened; and which the interests of his majesty’s kingdoms, inseparable from those of the republic, are so deeply concerned to prevent.” The commons, with a warmth of expression not to be found in their former addresses, assured his majesty, “that they would effectually assist him to support his allies in maintaining the LIBERTY OF EUROPE.” And the king in reply declared, “that it would be a par-

ticular satisfaction to him, in his time to revive the glory which the English nation had formerly acquired of maintaining the liberty and balance of Europe." Still the disposition of the house of commons was apparent, to engage in the war as auxiliaries only, and not as principals. The lords indeed presented an address of a very different complexion, requesting his majesty, "not only to make good all the articles of any former treaty to the states-general, but that he will enter into a strict league, offensive and defensive, with them, for our common preservation." But on this topic the sentiments of the house of peers were of very inferior importance.

Towards the conclusion of the session, however, the commons, sensible of the reputation they had lost, and anxious to recover their credit with the nation, which was extremely displeased with their cold and dilatory proceedings, presented an address, assuring his majesty, "that the house would assist him in supporting those alliances his majesty should think fit to make, in conjunction with the emperor and the states-general, for the preservation of the liberties of Europe, the prosperity and peace of England, and for reducing the exorbitant power of France." This extraordinary and interesting session of parliament was at length terminated on the 24th of June, 1701, by a gracious speech from the throne, in which the king expressed his hope, that what measures he might adopt during the recess for the advancement of the common cause, would meet with the approbation of parliament at their meeting again in the winter.

Upon the king's putting the government into the hands of the tories, the new ministry made it one of their demands, that a convocation should be permitted to sit, which was accordingly summoned February 10th, 1701. Like almost all other clerical synods, their proceedings and debates were characterised by inexpressible malignity and folly: but being happily divested of every degree of civil power, they

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knit their darkened brows and gnashed their teeth in vain. They began by asserting in a lofty tone their right to sit whenever the parliament sat, as being an essential branch of that body, and denying that they could lawfully be prorogued except when parliament was prorogued. They disputed the authority of the archbishop to adjourn or determine the session—They returned their solemn thanks to Atterbury, archdeacon of Totness, for his learned Treatise on the Rights of Convocations—They passed heavy censures on a certain book called “Christianity not mysterious,” written by Mr. Toland; and likewise on a recent publication of the bishop of Sarum, styled “An Exposition of the Thirty-nine Articles of the Church of England.” And they engaged in hot and eager disputes with the bishops respecting various points of privilege; insomuch that the right reverend fathers were compelled to complain, “that they had risen to higher degrees of disrespect and invasion of the metropolitan and episcopal rights, than ever was attempted by any lower house of convocation before: and that they had thereby given the greatest blow to the church that had been given to it since the presbyterian assembly that sat at Westminster in the late times of confusion.” The convocation was at length prorogued by the archbishop, at the termination of the session of parliament, in the midst of these contentions at once so fierce and frivolous.

The king left Hampton-court on the last day of June, attended by the lords Romney, Albemarle, &c. and on the 3d July arrived in Holland. The next day he took his seat in the assembly of the states-general, where he was received with the most cordial congratulations as the protector, friend, and father of his country. The command of the troops destined for the relief of Holland was, by an happy choice, confided to the earl of Marlborough, at the same time appointed plenipotentiary to the states; and whom the king well knew to be equally qualified for the council or the field:

field : “ uniting,” as he declared with generous applause, “ the coolest head with the warmest heart.”

On the departure of the king to visit the frontier garrisons, M. D’Avaux delivered to the states-general a letter from his most christian majesty, notifying the recall of his ambassador. This was accompanied by a memorial from the ambassador, stating in very eloquent and forcible terms the regret rather than the resentment felt by the king his master at the extraordinary system of policy adopted by their high mightinesses. He said, “ that his most christian majesty earnestly wished to dissipate the vain terrors excited by the accession of his grandson to the throne of Spain—That the conference had been opened to treat of the interests of Holland solely ; and, if the states had so pleased, had soon terminated to the security of the provinces, the advantage of their commerce, and with an assurance of perpetual amity from the most christian king.—The ambassador expressed the astonishment of his master, that the states should confound the interests of the emperor with those of the republic, and erect themselves into arbiters between the houses of France and Austria—and that they should even resolve, in favor of the latter, to break those treaties which the republic had hitherto regarded as the confirmation, or rather the seal, of her sovereignty.” Notwithstanding the earnest desire expressed by the states, on the presentation of this memorial, to resume the conferences, the ambassador, in consequence of positive orders from his court, left the Hague, August 13, 1701, after paying the customary compliments to the states-general, but without noticing the king of England or any of his court.

Matters were now considered on both sides as having come to a crisis ; and on the 7th September a new treaty of alliance was signed between the emperor and the maritime powers, to which all kings, princes, and states, were invited to accede, for procuring satisfaction to the house of Austria in respect to the Spanish succession, and sufficient security

Security for the preservation of the balance of power in Europe ; for which purpose the confederates shall jointly, and with their whole force, oppose and prevent the union of France and Spain under the same government ;—for the king of England had too much wisdom to make the recovery, i. e. the conquest, of Spain the object of the war.

Even previous to the conclusion of this treaty, hostilities had actually commenced on the part of the emperor with a spirit and success wholly unexpected. A numerous army had been assembled early in the summer by the court of Vienna on the Italian frontier, the command of which was conferred upon prince Eugene of Savoy, so celebrated since the victory of Zenta. This general, entering Italy by the route of Vicenza, made a feint of passing the Po near Ferrara ; and while the enemy were thus amused, he crossed the Adige, July 1701, and attacked and totally defeated a large body of troops posted at Carpi. The French and Piedmontese army, commanded by M. de Catinat and the duke of Savoy in person, retiring beyond the Mincio, the Imperial general passed that river also in pursuit of them : and M. de Catinat, making dispositions to cover the Milanese, was astonished to find that the Imperialists had, by a rapid movement on the opposite side, suddenly over-run the Mantuan, reduced the fortress of Castiglione, and laid the country under contribution.

The court of Versailles, not comprehending the cause of these disasters, dispatched M. Villeroi with a commission to supersede M. de Catinat. The dismissal of this able commander was attended with the consequences that might be expected. M. de Villeroi, with all the rashness incident to vanity and ignorance, attacked, August 29, the Imperial general, encamped in a strong position at Chiari on the Oglio ; but his presumption was punished by the loss of 5000 men : and the French army, being farther reduced by sickness and dispirited by defeat, retired early into their destined quarters. But prince Eugene kept his troops in
almost

almost constant motion during the whole of the winter, and was so successful in all his enterprises as to keep the French in perpetual alarm. Marechal de Villeroi having fixed his head-quarters at Cremona, which commands a bridge over the Po; the prince formed, in the month of January, 1702, a design to surprise the town. He conducted in person a strong detachment of troops from the Oglio, and ordered another corps from the Parmesan, to force at the same time the passage of the bridge. Marching in profound silence and secrecy through the ruins of an old aqueduct, he gained possession of one of the gates of the city. M. de Villeroi, being awakened with the noise, rushed, unarmed and unattended, into the midst of the tumult, and was instantly made a prisoner. But the party who were to attack the bridge not coming up at the time appointed, the prince was ultimately compelled to abandon his enterprise—and retired in safety with the marechal and the other prisoners whom he had taken. By this daring exploit, though not crowned with perfect success, he was covered with glory. Such was his activity and spirit of adventure, that the French knew not when or where to think themselves in security. He went on enlarging his quarters, strengthening his posts, and kept the city of Mantua closely blockaded; till at length the court of Versailles, seeing the whole Spanish empire in Italy endangered, resolved to send large reinforcements into that country, under the conduct of a general worthy to be the antagonist of prince Eugene—the marechal duc de Vendome.

An event, trivial in itself, but attended with important consequences in the present crisis, took place in the autumn of this year, in the death of the abdicated monarch king James, who departed this life at St. Germaine's, September 16th, 1701, in the 68th year of his age. Sunk into the most abject and senseless extremes of bigotry and superstition, he seemed entirely to have relinquished the hope, and almost the wish, to recover his former greatness. He

He had been actually admitted into the society of the Jesuits; and had rarely failed, during the latter period of his life, making a visit annually to the abbey of La Trappe—practising there the same austerities which are enjoined upon the monks themselves by the rules of that rigid order. He kept very severe fasts; and would, upon certain days, bind his body with a very sharp-pointed iron chain. He assisted at the choir hours, except at night. He ate nothing but eggs, raisins, and pulse; and spent his time in long meditations and spiritual conferences with the abbot, and his confessor, whom he took constantly there with him. In the usual course of things, he heard ordinarily at St. Germaine's, as his secretary Nairne attests, two masses every day, and on all the great festivals three masses and vespers, &c. During Lent he had sermons in his chapel thrice a week; and he, with his queen, went every year on foot to the procession of the Holy Sacrament over the town of St. Germaine's. On the day and octave of Corpus Christi they heard high mass at the parish church, and on every evening during the octave, and on Sundays and great holidays throughout the year, they were present at the exaltation of the Host. Such are the follies which usurp the venerable name of religion!

In the beginning of the year his health visibly declined; and he had in April drank the mineral waters of Bourbon without finding benefit. During his last illness the king of France came to visit him at St. Germaine's, and seemed much touched with his condition. The dying monarch, raising himself in his bed, expressed in faint accents his gratitude to his most christian majesty for the numerous instances of friendship and generosity he had received from him. On which the king of France told him, he did not yet know the extent of the kindness he intended for him and his family: for that, in the event of his decease, he would acknowledge the prince his son as king of Great Britain. On hearing this, James appeared overwhelmed with surprise and

and joy, and said " he had nothing farther to ask or wish. He exhorted his son to persevere in the faith; as a point of infinitely more consequence to him than the acquisition of a crown. He said, that by his practice he recommended christian forgiveness to him; for he heartily forgave all his enemies, not even excepting the princess of Denmark, the prince of Orange, and the emperor."

Immediately upon his death the pretended prince was proclaimed king of England, &c. by the style and title of king James III. and was recognised in that capacity by the king and court of France, who paid their compliments of condolence and congratulation at the court of St. Germaine's in the same manner and form as if the title of this mock sovereign had been the most valid and unquestionable.

Startled, nevertheless, at the consequences of the rash step they had taken, M. de Torcy, in a conference held soon after with the earl of Manchester, endeavored to apologise for this measure, which he professed had given him concern, as " merely complimentary; and expressed his hope that the present negotiation would terminate in a peace, which would set all right." The ambassador, in his dispatches to Mr. Vernon, says, " he *knows* that the king of France ordered M. de Torcy to soften this matter as much as he could" —but he acknowledges " there is no reliance upon their sincerity after what had passed. I fear," says he, " there never will be any treating with this court, without great vigor and resolution, and with sword in hand."

This opinion entirely coincided with the sentiments of the king of England, who, on receiving intelligence of the death of James, and the consequent recognition of his son, sent an express to the earl of Manchester to return to England without taking his audience of leave. Of this the ambassador immediately apprised M. de Torcy, stating, " that the king his master, being informed that his most christian majesty has owned another king of Great Britain, does not believe that his honor and his interest permit him longer to keep an
ambassador

ambassador in France—he has therefore orders to retire.” The French court discovered some symptoms of surprise at this notification; and on the same day an answer was returned by M. de Torcy, in cold and distant terms, purporting the sincere desire his most christian majesty always entertained to preserve the peace confirmed by the treaty of Ryfwick.

But in a subsequent memorial, dispersed in all the courts of Europe, the king of France takes much pains to vindicate his conduct from the imputation of violating his subsisting engagements with the king of England. He declares “that he never stipulated to refuse the title of king to the prince, on the demise of his father—that his birth entitled him to it—and that he would not obtain any other assistances from France, than what the late king James received since the treaty of Ryfwick, which were merely for his subsistence and the alleviation of his misfortunes.—The generosity of his most christian majesty would not allow him to abandon either that prince or his family—and it is remarked in this memorial to be no new thing to give to children the titles of kingdoms which the kings their fathers have lost, without any breach of amity—Of this, history furnishes many examples—and in particular the kings of Poland, of the house of Vasa, having lost the kingdom of Sweden, were treated by France as kings of Sweden till the peace of Oliva, though at the same time France was in strict alliance with king Gustavus and queen Christina.” But in the existing circumstances this labored apology produced little or no effect; and the conduct of the court of Versailles was universally regarded as openly and decidedly hostile to Great Britain.

During the whole of the summer the king of England had been deeply engaged in the numerous complicated negotiations indispensable at the eve of a general war; and it still remained doubtful what part the majority of the secondary powers of Europe would take in the contest, when

William

William embarked for England, where he arrived early in November, 1701. His state of health, at no time very firm, for the last year harassed and wearied with incessant anxiety, was remarked to be not a little impaired; and his return to England was retarded by an illness of a serious nature, from which he had partially and slowly recovered. Though sensible of the shock his constitution had sustained, his activity and energy of mind seemed in no wise diminished. And knowing how much depended upon himself, and the extent of the confidence reposed in him, he was solicitous to conceal, as far as possible, his exhausted condition from the public view, till the grand projects now in contemplation were advanced to a state of maturity. But he told the earl of Portland, that he should not live to see another summer.

The king found on his return to England the whole nation in a vehement ferment. The recognition of the pretended prince of Wales by the French monarch, while the treaty of Ryswick was yet in force, had excited the most passionate resentment of all ranks and orders of people. The perfect unanimity of the public feelings and sentiments in this country upon certain occasions forms a distinguishing *trait* of the English character; and in no instance did it ever appear more strongly than the present. The conduct of the king of France was considered as exhibiting a combination of perfidy and presumption. Such an acknowledgment of the title of the abdicated house seemed little less than a declaration of perpetual war; for there was no prospect of the extinction of the exiled family, and consequently no room to suppose that France would ever admit England to be governed by a rightful and lawful king. Addresses were presented from all parts, expressing, in the warmest and most affectionate terms, a resolute determination to support his majesty in the defence of his just rights, in opposition to all invaders of his crown and dignity.

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It was the highest gratification that the king could receive, to find such a spirit prevailing in the nation, which was however very ill seconded by those who occupied the great offices of government. He had never been upon cordial terms with his present ministers. The earl of Rochester, who was accounted the chief, had proved wholly intractable and imperious. Instead of moderating the violence of his party, he was assiduous to inflame them. And the king repeatedly declared, that the year in which that nobleman directed his councils was the most uneasy of his life. The earl had now repaired to his government of Ireland, where he shewed himself capable of acting with temper and prudence.

So long since as the month of September, the king had written to lord Sunderland from Loo, earnestly requesting his advice in the then situation of affairs.* He expressed himself as yet undetermined what measures to take, or whether to call a new parliament—fearing, that if he should quit those he now employs, and that the others should not be able to serve him, he should be left without resource. The tories, he says, make him great promises, and advise an Act of Grace as a means of reconciling matters. Lord Sunderland's reply is very remarkable—sufficiently indicating by what imperious powers of persuasion he had acquired so absolute an ascendancy over the minds of all with whom he was connected. He exhorts the king in the most decisive terms to discard his tory ministers, who he affirms “grow more hated every day, and more exposed. He ridicules the argument, or apprehension, that in case the change fails of success he shall be left without resource. This he tells the king is only to say, Continue in the hands of your enemies—for, if they do not save you, you may return to your friends, who will. At the worst and in the last resort, he can but throw himself into the hands of the tories, and give up the whole power to them. He expresses
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* Hardwicke State Papers.

his surprise, that, after thirteen years' experience, the king will not judge of things aright; and that he should suffer himself to be wheedled by a party, of which in his whole reign he could never yet gain any one man. He advises the king to consult with lord Somers, who is the life, the soul, and the spirit of his party---who can ANSWER for it---unlike the present ministers, who have no credit with theirs, any farther than they can persuade the king to consent to his own undoing."

From the influence and operation of the succeeding events, matters were now mature for a complete change: as the first step to which a dissolution of parliament was determined upon. A proclamation for that purpose was issued on the 11th of November, and a new parliament summoned to meet on the 30th of December, 1701---previous to which great alterations took place in the administration. Lord Godolphin was superseded by the earl of Carlisle. The earl of Manchester was made secretary of state, in the room of sir Charles Hedges; the earl of Pembroke constituted lord high admiral, the duke of Somerset appointed president of the council, and the earl of Rochester recalled from his government of Ireland. The king pressing, as it is said, the great seal on the acceptance of lord Somers, and that nobleman hesitating in the apprehension of a new relapse in favor of the tories; the king exclaimed with passionate emphasis, "Never, never, never!"

The parliament met on the day prefixed; and the first trial of strength between the two parties was on the choice of a Speaker, which was carried in favor of Mr. Harley, in opposition to sir Thomas Lyttleton, by a majority of four voices only.* The king's speech was most happily adapted to the temper and feelings of the nation. It recommended, in very animated and energetic language, unanimity in the prosecution of the most vigorous and decisive measures; and it was received with enthusiastic and unbounded applause. "I promise myself," said the monarch, "that you
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* The numbers were 216 to 212.

are met together full of that just sense of the common danger of Europe, and that resentment of the late proceedings of the French king, which has been so fully and universally expressed in the loyal and seasonable addresses of my people. The eyes of all Europe are upon this parliament, all matters are at a stand till your resolutions are known. Let me conjure you to disappoint the only hopes of our enemies by your unanimity. I have shewn, and will always shew, how desirous I am to be the common father of all my people. Do you in like manner lay aside parties and divisions. Let there be no other distinction heard of among us for the future, but of those who are for the protestant religion and the present establishment, and of those who mean a popish prince and a French government. If you do in good earnest desire to see England hold the balance of Europe, and to be indeed at the head of the protestant interest, it will appear by your right improving the present opportunity."

The king, the parliament and the nation seemed now animated by the same spirit; and at no period of his reign had WILLIAM attained to so great an height of popularity as at the present crisis. At no time had he reached to such a superiority of elevation in the view of the surrounding nations. The addresses of both houses were in the highest strain of whiggism; for the tories in the lower house no longer attempted to stem the torrent which ran with irresistible violence in favor of a Gallic war. The house of commons even passed a unanimous resolve, that no peace should be made with France until reparation be made for the late indignity offered by the French king. And 90,000 men were voted for the sea and land service.

Early in January, 1702, a Bill of Attainder of the pretended prince of Wales, now styling himself king of Great Britain, was introduced into the house of commons, and passed with perfect unanimity. But the lords in their great zeal including the queen-regent in the attainder, the commons

mons refused to concur, alleging, in a conference held with their lordships, "that it may be of dangerous consequence to attain persons by an amendment only, in which case such due consideration cannot be had as the nature of an Attainder does require."

Another Bill followed after a short interval, for the farther security of his Majesty's person, and the succession of the Crown in the Protestant line—containing an abjuration of the pretended prince of Wales, and an oath to the king as *rightful and lawful* sovereign. A question arising whether the oath should be compulsive or voluntary; it was thought of sufficient consequence to be the subject of a serious and vehement debate. And the house was on a division so equally balanced, that there appeared a majority of one voice only for making the oath obligatory, the numbers being 188 to 187 voices; and this remarkable division probably gave rise to the popular notion, that the crown was settled on the house of Hanover by a single vote.

With respect to the great question of the Irish forfeitures, the house did not appear inclined to recede from the system of their predecessors; and the petitions presented to the king against the Act of Resumption by the city of Dublin and divers counties of Ireland, and laid by his command before the house, were voted to contain scandalous reflections, highly reflecting upon his majesty's honor and both houses of parliament.

The subject of the impeachments voted in the course of the last session was revived with great warmth, but with little expectation, or perhaps desire, of success on the part of the tories, who knew the odium attached to those unpopular prosecutions. And a resolution ultimately passed, "that it is the undoubted right of every subject of England under any accusation, either by IMPEACHMENT or otherwise, to be brought to a speedy trial, in order to be acquitted or condemned." This was regarded as a virtual justification of the conduct of the house of lords, and

and equivalent to an avowal that their lordships had not denied justice in the matter of the impeachments: and thus solemnly did this extraordinary and alarming business terminate.

During the whole of the present winter it had been assiduously reported by those who were near the person of the king, that he was in a fair way of obtaining a complete re-establishment of his health; but this was, notwithstanding, a subject of great doubt with many; and it was strongly believed that much pains were taken to conceal the real truth, as the knowledge of it might materially impede the success of the negotiation now depending—it being manifest that the king's great endeavor, from the moment that he apprehended his danger, was to provide such collateral securities for the great projects he had formed, as might prevent their coming to an end with him. On Saturday, February the 21st, he rode as usual from Kensington to Hampton-Court; and passing through the Park, his horse, suddenly plunging, fell on very level ground; and the king's collar-bone was fractured with the violence of the shock. He was immediately carried to Hampton-Court, where the fracture was reduced by Roujat his first surgeon: and he thought himself in the evening well enough to be removed to Kensington. No dangerous symptoms appeared for some days, and his active and ardent mind was still employed on the great objects he had in view.

On the 28th of February he sent a royal message to both houses, recommending, in terms the most earnest and energetic, the appointment of Commissioners to treat with those already authorised by the parliament of Scotland, respecting an UNION of the two kingdoms, “than which the king declared he was satisfied that nothing could more contribute to the present and future security and happiness of England and Scotland, and to which he now hoped there would be found a general disposition.” To this step he was probably

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encouraged

encouraged by the recent declaration of the earl of Nottingham, who, when the Abjuration Bill was before the house of lords, took occasion to say, "that though he had differed from the majority of the house in many particulars relating to it, yet he was such a friend to the design of the Act, that, in order to the securing a protestant succession, he thought an union of the whole island very necessary, and would heartily join in any proper measures to effect it."—— On the Monday, a commission was issued to give the royal assent to such bills as were ready; amongst which was the Bill for Attainting the pretended Prince of Wales.

Flattering hopes were still entertained or professed of a speedy and perfect recovery; but on Wednesday, March the 3d, the king was seized with a shivering fit, which, as usual, was followed by a fever; and these fits returning every day with increasing violence, on the sixth his case was esteemed very dangerous. And the lords having expedited the Abjuration Bill, a second commission was issued to give the royal assent to this favorite measure of national security. But the king being no longer able to make perfect use of his hand, a stamp was provided to supply the defect. On the same day the earl of Albemarle arrived from Holland, and, being immediately admitted to the king's presence, gave such an account of the posture of affairs on the Continent as must have afforded him the highest satisfaction had he been capable of attending to any temporal concerns. But he received the intelligence without any visible emotion; and soon afterwards said, "*Je tire vers ma fin.*"

He was attended during the latter period of his illness by the archbishop of Canterbury and the bishop of Sarum. His reason and all his senses were entire to the last minute. Early on Sunday morning he desired the sacrament; after which, several of the lords of the council and other nobles attending were called in, to whom the king labored
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to speak with cheerfulness. When lord Auverquerque appeared, he raised his voice, and thanked him for his long and faithful services. He took an affectionate leave of the duke of Ormond and others, and delivered to the earl of Albemarle the keys of his escritoire. Breathing with great difficulty, he asked his first physician, Dr. Bidloo, "how long this could last;" to which he answered, "Perhaps an hour." But the king, offering his pulse, said, "I do not die yet!" After a little interval, he enquired for the earl of Portland; but before he came, his voice totally failed, though his lips were seen to move; and taking him by the hand, he carried it to his heart with much tenderness. Throughout his illness no symptoms of weakness appeared which might fully the tenor of his former life. His firm and steady mind raised him far above the ignoble terrors of those "who vainly fear inevitable things." The conflict between life and death continued till morning, when the commendatory prayer was said for him: and, as it ended, the king, who had been supported all night in his bed, expired in the arms of one of his pages, March 8th, 1702, after a reign of thirteen years and a month, and in the fifty-second year of his age. On his left arm was found a ribband, to which was fastened a ring enclosing a lock of the late queen Mary's hair—a proof of the tender regard he entertained for her memory.

Thus lived and died WILLIAM III. king of Great Britain and stadtholder of Holland; a monarch on whose great actions and illustrious character History delights to dwell. In his person he was not above the middle size, pale, thin, and valetudinary. He had a Roman nose, bright and eagle eyes, a large front, and a countenance composed to gravity and authority. All his senses were critical and exquisite. His words came from him with caution and deliberation; and his manners, excepting to his intimate friends, were

cold and reserved. He spoke Dutch, French, English, and German, equally well; and he understood Latin, Spanish and Italian. His memory was exact and tenacious, and he was a profound observer of men and things. He perfectly understood and possessed a most extensive influence over the political concerns and interests of Europe. Though far above vanity or flattery, he was pertinacious in his opinions; and, from a clear perception or persuasion of their rectitude, was too impatient of censure or control. He attained not to the praise of habitual generosity, from his frequent and apparently capricious deviations into the extremes of profusion and parsimony. His love of secrecy was perhaps too nearly allied to dissimulation and suspicion; and his fidelity in friendship to partiality and prejudice. Though resentful and irritable by nature, he harbored no malice, and disdained the meannesses of revenge. He believed firmly in the truth of religion, and entertained an high sense of its importance. But his tolerant spirit, and his indifference to the forms of church government, made him very obnoxious to the great body of the clergy. He appeared born for the purpose of opposing tyranny, persecution, and oppression: and for the space of thirty years it is not too much to affirm that he sustained the greatest and most-truly-glorious character of any prince whose name is recorded in history. In his days, and by his means, the first firm and solid foundations were laid of all that is most valuable in civil society. Every vindication of the natural and unalienable rights of mankind was, till he ascended the throne of Great Britain, penal and criminal. To him we owe the assertion and the final establishment of our constitutional privileges. To him the intellectual world is indebted for the full freedom of discussion, and the unrestrained avowal of their sentiments on subjects of the highest magnitude and importance. To sum up all, his character was distinguished by virtues rarely found
amongst

amongst princes—moderation, integrity, simplicity, beneficence, magnanimity. Time, which has cast a veil over his imperfections, has added lustre to his many great and admirable qualities. His political views were in the highest degree laudable and upright. He had true ideas of the nature and ends of government : and the beneficial effects of his noble and heroic exertions will probably descend to the latest generations, rendering his name justly dear to the friends of civil and religious liberty, and his memory ever **GLORIOUS** and **IMMORTAL**.

 A N N E.

B O O K V.

State of Europe on the accession of queen Anne. Her resolution to join the grand alliance. Session of parliament. Ministerial arrangements. War declared against France. Impious sermon of Binckes. Affairs of Scotland. First treaty of Union. Campaign in Flanders, 1702. Capture of Liege. Extraordinary escape of the duke of Marlborough. Defection of the elector of Bavaria. Campaign in Italy. Battle of Luzzara. Unsuccessful attempt on Cadiz. Capture of Vigo. Session of parliament. Ascendency of the tories. Occasional Conformity Bill thrown out by the lords. Proceedings of the Convocation. Naval transactions in the West Indies. Memorable engagement of Benbow. Campaign in Flanders, &c. 1703. Tremendous storm. Session of Parliament. Occasional Conformity Bill a second time rejected by the lords. Fraser's plot. First fruits and tenths restored to the clergy. Whigs gain ground at court. Earl of Nottingham resigns. Memorial of count Wrattislau. Campaign in Germany, &c. 1704. Battle of Blenheim. Naval operations. Gibraltar taken. Engagement off Malaga. Affairs of Scotland. Order of the Thistle revived. Act of Security passed. Session of Parliament. Occasional Conformity Bill a third time rejected. Alarm taken at the Scottish Act of Security. Case of Ashby and White. Intrigues of the court of St. Germaine's in England and Scotland. Campaign of 1705. Death of the emperor Leopold. Capture of Barcelona. Rapid successes of the archduke.

Session

Session of parliament. The whigs recover their ascendancy. Obnoxious motion of the tories to bring over the princess Sophia. Church declared to be not in danger. Articles of the treaty of union agreed upon. Campaign A. D. 1706, in Flanders. Battle of Ramillies. Military transactions in Spain—and in Italy. Advances made by France for obtaining peace. Affairs of Scotland. Articles of the Union debated. Session of Parliament in England. Articles of the Union ratified by both Parliaments. Intrigues at Court. Dismissal of Sir Charles Hedges.

NEVER did the death of any monarch, that of Gustavus Adolphus in the midst of his career of victories against the house of Austria perhaps excepted, excite throughout the kingdoms of Europe more general grief and consternation than that of King WILLIAM. Though the grand alliance against France was now completed, the different powers of which this vast body was composed, deprived, by this unexpected stroke, of the hero in whose wisdom and rectitude they confided, and under whose banners they had been accustomed to engage, no longer exhibited any symptoms of animation and vigor. Such was the prevailing dread of the power of France, which, from the commencement of the administration of cardinal Richelieu, had been elevated to the present alarming height by an almost uninterrupted series of military triumphs, that the alliance now formed was considered as by no means adequate to the accomplishment of its object, in case of the defection of England. And how far Anne of Denmark, who now swayed the Sceptre of that powerful kingdom, was disposed to adopt the councils, or to pursue the mighty projects formed by her illustrious predecessor, was considered as a question highly problematical. The doubt however was quickly and happily resolved. By an act passed some years previous to the death of the king, the parliament,

parliament, notwithstanding that event, still continued to sit. Three days after her accession, the queen, repairing in person to the house of peers with the usual solemnity, made a speech from the throne, purporting "her fixed resolution to prosecute the measures concerted by the late king, whom she styled the great support not only of these kingdoms but of all Europe." And she declared, "that too much could not be done for the encouragement of our allies, to reduce the exorbitant power of France." An expression which occurred in the conclusion of her speech, "that her heart was entirely English," was thought, by those who regarded the proceedings of the new sovereign with jealousy, to glance obliquely upon the honor of the late monarch, and was resented accordingly. To the Address of the Clergy, presented by the archbishop of Canterbury, she expressed her high regard and attachment to the church; and to that of the dissenters she gave assurances of protection, and protested "that she would do nothing to forfeit her interest in their affections."

These primary measures of the new reign were chiefly influenced by the representations of the lords Marlborough and Godolphin, who demonstrated the imminent danger to which the liberties of Europe would be exposed, were England to act with indifference or indecision in the present crisis. And to give efficacy to a system so opposite to the hopes and expectations of the tories, lord Godolphin was advanced to the office of lord high treasurer; and the earl of Marlborough declared captain-general of the forces of Great Britain at home and abroad, and at the same time appointed ambassador extraordinary and plenipotentiary to the states-general.

That assembly had been struck with amazement at the unexpected intelligence of the death of the late king. Lamenting in moving terms their irreparable loss, they embraced each other and promised mutually to adhere, at whatever risque, to the interests of their country. And they
issued

which letters to the different towns and provinces of the Union, exhorting them to resolution and perseverance. In a few days they were comforted and re-assured by the transmission of the queen's speech, and a letter to the states annexed, in which she declared her determination "to maintain all the alliances of her crown entered into by the late king; and to concur with them in such measures as should be necessary to the reduction of the power of France." The ambassador, arriving after a short interval, made, at his first audience, a speech to the states, which gave the most complete satisfaction;—M. Dykvelt, the hebdomadal president, in reply, expressing, with tears flowing down his cheeks, the deep affliction of their high mightinesses at the loss they had sustained—their congratulations on the accession of her present majesty—their hearty thanks for the assurance of her friendship—and their resolution to concur in a vigorous prosecution of the common interest.

The exultation of the court of France at the death of the king of England bore a full proportion to the grief elsewhere expressed. The sieur de Barré, left by the count D'Avaux chargé d'affaires, presented to the states a memorial, inviting them to renew the negotiation, and, in language disrespectful and injurious to the late monarch, stating his hope, "that, as their high mightinesses would now recover their liberty, and be no longer under restraint, they would consult their own interest, and look upon a good intelligence with France as the firmest support of their republic." To this memorial the states indignantly replied, "that the sieur resident ought to know that their high and mighty lordships have heretofore had as much liberty as at present, to debate and to take all such resolutions as they judged necessary and useful for the good and preservation of their state. It is true they cannot enough deplore their misfortune, to see themselves deprived of the direction and conduct of a prince whose wisdom, moderation and valor,

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will be famed as long as the world endures—a prince whose heroic actions, and whose merits from this republic, will never be forgot ; and, in a word, whose death is lamented in this country by all persons whatsoever, from the meanest to the highest. That the councils of his said majesty having never had any other aim, both in deed and in word, than the preservation of their liberty and religion ; and their high and mighty lordships being entirely convinced of this truth, as having found the benefit thereof, they are resolved to follow the same principles, and not to depart from the alliances contracted during the life of his said majesty.” The earl of Marlborough’s stay in Holland, though but of a few days’ continuance, answered the most important purpose. The states, charmed by his noble carriage and engaging manners, and struck with admiration at his superiority of genius, placed from this time the most unlimited confidence in his capacity and fidelity, which, in the long experience of ten successive years, he in no one instance abused or forfeited.

The session of parliament in England proceeded calmly and prosperously. The commons settled upon the queen for life the revenue enjoyed by the late king ; and the queen very nobly in return declared, “ that, in consideration of the great burdens to be sustained by her subjects, she would direct 100,000*l.* per annum to be appropriated to the national service.” The abjuration oath imposed by the act of the late king was taken very unanimously, and even cheerfully : the high tories and jacobites, whose zeal had now suffered a very sensible abatement, contenting themselves, as we are told, with the novel distinction, that the term of *right* was a term of law which had relation only to legal right ; and not to divine right, or *birth-right*, which still remained unimpaired ; and, that the abjuration was binding consequently only during the present state of things, and not in case of a new revolution or conquest.

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The queen had now completed her ministerial arrangements. Her private and personal inclinations were decidedly in favor of the tories. But the earl of Marlborough, who was impatient to give full scope to his talents, and in whose breast an ardent thirst for glory, “that infirmity of noble minds,” superseded every other consideration, employed the extensive influence which he possessed over the mind of the queen through the medium of the countess, to induce the appointment of an administration which should prosecute the war with vigor and effect; which he well knew was not to be expected without a powerful co-operation on the part of the whigs. Lord Godolphin, nearly allied to Marlborough by the marriage of his son with the eldest daughter of the earl, was connected with him also by the strictest political union; and though a tory administration was at length formed, not only divers of the whigs were admitted into the new arrangement, but a spirit of conciliation and moderation pervaded the general system—proving it to be under the guidance of men deeply versed in the noble science of political wisdom. Lord Godolphin, as lord high treasurer, was regarded as the efficient head of the ministry; the earl of Nottingham and sir Charles Hedges were re-instated in their posts as joint secretaries of state. The earl of Pembroke being honorably dismissed from the admiralty with the offer of a great pension, which he refused to accept; the post of lord high admiral was occupied by the prince of Denmark. The duke of Somerset, a whig, was continued president of the council; and sir Nathan Wright, a tory, lord-keeper. The duke of Devonshire, a whig, was appointed lord-steward; and the marquis of Normanby, a tory, lord-privy-seal. The earl of Rochester, maternal uncle of the queen, who disdained this system of compromise and conciliation, was confirmed in his government of Ireland, which he had not yet formally relinquished. Seymour, Howe, Harcourt, and others of the tories,

were

were now admitted to the council-board, from which the great whig leaders, Somers and Halifax, were excluded.

The earl of Marlborough had agreed with the states and the Imperial minister, that war should be declared against France, at Vienna, London, and the Hague, on the same day, viz. May the 15th, N. S. But when this resolution came to be debated in council, it was vehemently opposed by the earl of Rochester and others of the board, who contended, that it was safest and best for England to avoid a declaration of war, and that no necessity existed for acting, if we acted at all, in any other capacity than as auxiliaries. But the earl of Marlborough remarked, that the honor of the nation was concerned to fulfil the late king's engagements; and he affirmed, that France could never be reduced within due bounds, unless the English would enter as principals into the quarrel. This opinion was supported by the dukes of Somerset and Devonshire, the earl of Pembroke, and the majority of the council. A resolution was taken, therefore, in favor of war; which being communicated by the queen to the house of commons, the house returned their unanimous thanks, and assurances of assistance. The earl of Rochester, highly offended that his counsels were rejected, withdrew to his seat in sullen discontent: and a message, after an interval of some months, being sent to him from the queen, commanding him to repair to his government of Ireland, he insolently declared, "that he would not go if the queen would give him the country." The earl then waited upon her majesty, and in great wrath desired leave to resign his employments; which was readily granted, and the viceroyalty of that kingdom immediately conferred upon the duke of Ormond. On the day prefixed, the confederate courts solemnly proclaimed war against France in their respective capitals, to the great astonishment of Louis XIV. who, on receiving the intelligence from his first minister, the marquis de Torcy, gave way to unusual emotions of anger; and, throwing from him the Dutch declaration

claration with great violence, he protested, "that messieurs the Dutch merchants should one day repent of their audacity."

The beneficial effects of the last message of king William to parliament, relative to a union of the two kingdoms, now began to appear; and the queen having, in her speech, joined in recommending to the two houses to consider of the proper methods of accomplishing an object so important and desirable, a bill was brought into the house of commons to empower her majesty to nominate commissioners to treat with Scotland for that purpose; which, notwithstanding the perverse opposition of several of the virulent tories, passed both houses by a great majority, and received the royal assent. The discretion of the present ministers appeared in an order of council, directing the princess Sophia to be publicly prayed for, as next in succession to the crown: and a report having been industriously propagated, that the late king had formed a design of excluding her present majesty from the throne; the dukes of Somerset and Devonshire, and the lords Marlborough, Jersey, and Albemarle, who had the inspection of the king's papers, were interrogated by the house of peers as to this point: and they unanimously declaring that nothing relative to such design was to be found, the house voted the report false, villainous and scandalous. And in reply to an address of the house upon the subject, the queen declared, "that she would order the attorney-general to prosecute the authors and publishers of this false report."

Notice also was taken by the house of peers of a sermon preached by one Dr. Binckes before the lower house of convocation on the 30th of January, 1701, in which a detestable and impious parallel was drawn between the sufferings of Christ and those of the *Blessed Martyr*; and a decided preference given to the latter. "If," says this christian divine, "with respect to the dignity of the person, to have been king of the Jews was what ought to have secured our Saviour

Saviour from violence ; here is also one not only born to a town, but actually possessed of it. He was not only called king by some, and at the same time derided by others for being so called, but he was acknowledged by all to be a king. He was not just dressed up for an hour or two in purple robes, and saluted with a hail, king ! but the usual ornaments of majesty were his customary apparel ; his subjects owned him to be their king ; and yet they brought him before a tribunal, they judged him, they condemned him.—Our Saviour's declaring ' that his kingdom was not of this world,' might look like a *sort* of renunciation of his temporal sovereignty :—but here was indisputable right of sovereignty, both by the laws of God and man. He was the reigning prince and the Lord's Anointed ; and yet, in despite of all law human and divine, he was by direct force of arms, and the most daring methods of a flagrant rebellion and violence, deprived at once of his Imperial crown and life." After some debate, the lords voted, that there were expressions in the said sermon which gave just scandal and offence to all christian people ; and it was ordered that this resolution be communicated to his diocesan, the bishop of Litchfield and Coventry, in order to his being proceeded against in the ecclesiastical court.

The business of the session being happily terminated ; the queen, on the 25th of May, 1702, prorogued the parliament in an excellent speech, expressing her constant wish, " that no differences of opinion among those that were equally affected to her service might be the occasion of heats and animosities among themselves. I shall," said she, " be very careful to preserve and maintain the Act of Toleration, and to set the minds of all my people at quiet."

At the demise of the late king, the government of Scotland was entirely in the hands of the whigs ; the earl of Marchmont being lord-chancellor, the earl of Melville president of the council, the duke of Queensberry lord-privy-
seal,

feal, the earls of Seafield and Hyndford joint secretaries of state, and the earl of Selkirk lord-register, On the accession of the queen, the tory and jacobite faction were much elated, flattering themselves that, in consideration of their zeal for episcopacy, to which they well knew the queen's devoted attachment, they should now be the favored and governing party. The funds allotted for the support of the army being nearly expired, it was absolutely necessary to hold a session of parliament in the course of the summer. An act having passed in Scotland, as well as in England, to continue the existing parliament six months subsequent to the death of the king; after several adjournments, it was accordingly convened on the 9th of June, 1702, the duke of Queensberry being appointed high-commissioner. But before any proceedings could take place, the duke of Hamilton, and the party of which he was the head, protested against the legality of the meeting—his grace reading a paper containing the grounds and reasons of their dissent, to the following purport: “Forasmuch as by the fundamental laws and constitution of this kingdom all parliaments do dissolve by the death of the king or queen, except in so far as innovated by the 17th act of the 6th session of king William's parliament last in being at his decease to meet and act what should be needful for the defence of the true protestant religion as now by law established, and maintaining the succession to the crown, as settled by the claim of right, and for preserving and securing the peace and safety of the kingdom; and seeing the said ends are fully satisfied by her majesty's succession to the crown, whereby the religion and peace of the kingdom are secured; we conceive ourselves not now warranted by the law to meet, sit or act, and therefore do dissent from any thing that shall be done or acted.” Then the duke and seventy-nine of the members, being above two-fifths of the number present, withdrew, leaving the majority to sit and act by themselves; and as they

they passed from the parliament house to the High Cross, they were saluted with loud and universal acclamation.

Unmoved by this formidable secession, the duke of Queensberry delivered the queen's letter to the parliament, declaring "her firm resolution to maintain and protect her subjects in the full possession of their religion, laws and liberties, and of the PRESBYTERIAN GOVERNMENT of the CHURCH; then acquainting them with the just causes of declaring war against the French king, and earnestly recommending to them, both the providing competent supplies for maintaining such a number of forces as might be necessary for disappointing the enemy's designs and preserving the present happy settlement, and the consideration of an union between the two kingdoms of England and Scotland, which was recommended to them by the late king." The parliament demonstrated on this trying occasion great firmness and spirit. They passed an act declaring it to be high treason to impugn the dignity and authority of their proceedings; an Act for securing the Protestant Religion and Presbyterian Church Government; an Act for a supply of ten months' cess upon all land-rents; and an Act for enabling her Majesty to appoint Commissioners to treat concerning an Union. And they assured her majesty in their address in answer to the royal letter, "that the groundless secession of some of their members should increase and strengthen their zeal for her majesty's service." They also expelled a member of the house, Sir Alexander Bruce, for his audacity in affirming "that presbytery was inconsistent with monarchy—that, like vice and hypocrisy, and other pests of mankind, it spread and flourished most in turbulent times of anarchy and rebellion; and that order and decency in the church were to be preferred to the pride and infallibility of a pope in every parish." The dean and faculty of advocates having passed a vote in favor of the protest of the dissentient members, they were summoned for the same before the house, and received a severe reprimand for their presumption.

presumption. On the other hand, the queen transmitted a letter to the lord-commissioner, in which she declared her resolution “to own and maintain this present session of parliament, and the dignity and authority of the same, against all opposers.” And the dissentient members having deputed the lord Blantyre to present an address to her majesty in vindication of their proceedings, she peremptorily refused to receive it; and on the 30th of June, 1702, the parliament was adjourned, after a short, but vigorous and important session.

The queen having, in pursuance of the power vested in her by the parliaments both of England and Scotland, appointed commissioners for treating concerning an union of the kingdoms; the persons named in the commission met for the first time on the 22d of October, 1702, at Whitehall; where, after the necessary preliminaries were settled, the queen made a speech to them in order to quicken and invigorate their proceedings. The treaty seemed for some time in a prosperous train; but when the Scottish commissioners gave in their proposals for preserving the rights and privileges of their company trading to Africa and the Indies, such difficulties arose as put a stop to all farther progress, and in the sequel the commission was altogether annulled.

In the absence first of the earl of Rochester and then of the duke of Ormond, successively lords-lieutenants of Ireland, that kingdom was placed under the government of lord Mount-Alexander, general Erle, and Mr. Knightley, as lords-justices. Mean time the trustees for the forfeited estates were continued in the exercise of their formidable authority.

Such was the state of affairs at home, when the war on the Continent commenced, agreeably to the advice of the earl of Marlborough to the states, with the siege of Keisarswart, a well fortified town, situated on the Rhine, some leagues below Dusseldorf. Keisarswart belonged to the

elector of Cologne, who had put the French into possession of all the strong places in his dominions; and whilst in their hands, it exposed both the Circle of Westphalia and the eastern provinces of the states to alarming inroads. The trenches were opened before the town on the 18th of April, 1702, the prince of Nassau Saarbruck conducting the operations of the siege, and the earl of Athlone commanding the covering army. Marechal de Boufflers, the French general, having drawn his troops together, passed the Maese with a view to relieve the fortrefs; and count Tallard, having posted himself with his flying camp on the opposite side of the Rhine, succored the garrison from time to time with fresh troops, ammunition and provisions. The place was defended with great vigor: but the fortifications being almost destroyed by the artillery of the besiegers, and the ravelin and counterscarp carried by assault, the garrison were compelled, June 15, to capitulate, and were allowed honorable terms.

The marechal de Boufflers, finding all his attempts to relieve Keisariwart, rendered abortive by the vigilance of the earl of Athlone, decamped from Zanten on the 10th of June, and directed his march without beat of drum or sound of trumpet towards Nimeguen, purposing to take a position between that place and the confederate army. The earl of Athlone, upon the first intelligence of this design, alarmed for the safety of that important city, put his troops in motion, and made good his retreat under the cannon of Nimeguen—resisting and repulsing the various attacks of the French with great resolution. Marechal Boufflers, perceiving his plan totally frustrated, defiled with his whole army towards Cleves, venting his resentment upon the defenceless territories through which he marched, laying waste the country, and destroying the park of Cleves and all the delicious walks and avenues of that charming place.

Such was the state of the campaign when the earl of Marlborough arrived to take upon him the command of the allied

allied army; the earl of Athlone, though veldt-marechal of the Dutch forces, and a general of great ability and experience, being compelled by the states to relinquish his pretensions in favor of the earl of Marlborough, who comported himself in a manner so respectful and obliging, as at once to remove all jealousy and conciliate the entire confidence and regard of his competitor. The English commander, finding his force superior to that of the enemy, resolved to pass the Maese, below Grave, in pursuit of them; and the confederates, who were so lately reduced to the necessity of retreating under the cannon of Nimeguen, had now the pleasure to see the French flying before them; and the duke of Burgundy, eldest son of the dauphin, who accompanied the army, to avoid the participation of this disgrace now chose to return to Paris.

The deputies of the states being anxious to dispossess the enemy of the places they held in Spanish Guelderland; the earl of Marlborough gave orders to lay siege to Venlo, which surrendered on the 25th of September.—He then proceeded to Roermond, situated at the confluence of the Roer and the Maese, which with Stevenswart, a fortified town five miles south of Roermond, was reduced before the middle of October. Marechal Boufflers, alarmed at the successes of the confederates, retreated towards Liege, justly apprehending that city to be now in danger. But, on the approach of the earl of Marlborough, not choosing to risque a battle, he again put his army in motion towards Tongeren; and Liege being left defenceless was delivered up by the chapter and magistracy. The garrison, retiring into the citadel, prepared for a vigorous resistance; and M. de Violaine, the governor, being summoned, returned for answer, that it would be time enough to think of a surrender six weeks hence. But in six days a practicable breach being made, the place was taken sword in hand by the most extraordinary efforts of valor. This was a conquest of great importance, the navigation of the Maese being now com-

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pletely opened; and the commander in chief was congratulated upon it by the states in the most flattering terms of applause.

Upon the breaking up of the army in November, the earl of Marlborough thought the easiest and most expeditious mode of retiring to the Hague was by falling down the Maese in one of the great boats which navigate that river. He had a guard of twenty-five soldiers in the boat, and an escort of fifty horse to patrol the banks. But the troopers mistaking their way in the night, three leagues below Venlo, a party of thirty-five men from the garrison of Gueldres, the only place in Guelderland yet remaining in possession of the French, lurking near the river, suddenly seized the haling-rope, and drawing the boat on shore made a general discharge of fire-arms; and throwing several hand-grenades into the boat amongst the crew, who were mostly asleep, they rendered themselves masters of the vessel before they could recover from their surprise. The earl was accompanied by M. Opdam, a Dutch officer of high rank, and M. Gueldermalsen, one of the deputies of the states, who were provided with passes, which the earl, unsuspecting of danger, had neglected to procure. But his extraordinary presence of mind extricated him from this embarrassment. Recollecting that he had an obsolete pass belonging to his brother general Churchill in his possession, he produced it with the utmost composure; and in the hurry it was returned without examination. After securing the guard and rifling the vessel, which they detained for this purpose some hours, they suffered her to proceed on her voyage. The governor of Venlo, hearing of the capture, and ignorant of the subsequent release, marched with his whole garrison to invest the town of Gueldres; and the news reaching the Hague in the same imperfect manner, the states resolved that immediate orders be sent to all the forces in the vicinity to assemble and form the siege of the place, menacing the garrison with the last extremities if they refused to relinquish their

their prisoner: but before the orders could be dispatched, the earl arrived in safety at the Hague, where he was received with inexpressible joy.

The losses upon the Maese were not the only disappointments suffered by the court of Versailles during this year. The French army in Germany slowly assembling under the command of marechal Catinat; the Imperialists had an opportunity of laying siege to Landau, a strong fortress situated on the banks of the Queich in the Lower Alsatia. The place was invested by prince Louis of Baden on the 16th of June; several weeks elapsed in raising batteries and making approaches; and, matters being in a prosperous train, on the 27th of July the king of the Romans arrived in the confederate camp, in order to have the honor of taking the city. His equipage was superfluously expensive and splendid. But the siege being retarded by the want of ammunition and stores, the place did not surrender till the 12th of September.

The necessity of the French king's affairs had forced him, when the loss of Landau appeared inevitable, to grant the elector of Bavaria all his demands. No sooner had this prince decided in favor of France, than he possessed himself by stratagem of the Imperial city of Ulm upon the Danube; which excited great alarm throughout the empire. The diet, after a warm debate, resolved by a great majority of voices to declare war against France and Spain; the emperor was addressed to proceed against the elector of Bavaria according to the established constitutions; and the ministers of Bavaria and Cologne were forbid to appear any more in that assembly.

In consequence of the seizure of Ulm, the prince of Baden was obliged to return to the defence of the empire; and his army being weakened by various detachments, he took a strong position near Friedlinguen, where he was attacked by the marquis de Villars with a far superior force. The Germans under the conduct of this able general defended

fended themselves with great vigor ; and the enemy were finally repulsed, not without considerable loss to the victors. And the prince being under the necessity of abandoning Friedlinguen, the French king caused Te Deum to be sung for the success of his arms—the marquis de Villars being also on this occasion advanced to the dignity of a marechal of France.

On the side of the Moselle, the French under M. Tallard made themselves masters of Triers and Traerbach. In Italy the war was carried on by the duc de Vendome and prince Eugene with an ardent emulation of skill and valor. The city of Mantua had for a long time been blockaded by the Imperial army ; and the surrounding passes being strongly fortified, the duke de Vendome marched through the Venetian territories, notwithstanding the protestations of the republic, to its relief. The prince, who in consequence of the defection of the elector of Bavaria had not received his promised reinforcements, at his approach reluctantly withdrew his forces. Philip king of Spain, impatient to signalize himself in the field, had embraced the indiscreet resolution of assuming the command of the Italian army in person.... He arrived in April at Naples, where he received, by a cardinal legate, the compliments of the pope, who nevertheless refused the investiture of the kingdom ; his holiness endeavoring by this prudent conduct to preserve a good understanding with both parties—but the Imperial ambassador was ordered upon it to leave Rome. The king of Spain was convoyed to Finale by the French fleet ; and soon after joining the dukes of Savoy and Vendome, the united forces of France, Spain, and Piedmont, to the amount of 40,000 men, advanced to Luzzara with a view to cut off the communication of the Imperialists with Mirandola and the Modenese. Prince Eugene, whose army did not exceed 25,000, marched to attack them with the greatest intrepidity. The marquis de Feuquieres, whose accurate and scientific narrative of this engagement gives an artificial interest and importance

portance to it, informs us, that the plan formed by prince Eugene was the most masterly that could be conceived, and failed of success by a mere accident. Such was the secrecy and rapidity of his operations, that the French had received no intelligence of his being in motion. But the prince had passed the Po, concealing his army behind the high dyke of Zero, and designing to commence the attack as soon as the enemy had entered in full security their camp marked out at a little distance. The dyke of Zero, forming the canal which extends from Seraglio to Rovero, was in one part carried so near the front of the French camp, that one of the adjutants thought it an advantageous post for an out-guard. This officer ascending the dyke, and taking a view of the country beyond it, saw to his amazement the enemy's foot lying with their faces to the opposite declivity of the dyke, with all the horse in the rear ranged in order of battle. The alarm was immediately given; and the Imperialists, finding themselves discovered, advanced boldly to the French camp, which they assailed with great impetuosity, and were received with equal bravery. The contest was very bloody, and the success doubtful. The French at length abandoned the field of battle; and part of their ammunition and provisions fell into the hands of the Imperialists. But the prince, being weakened even by the advantage he had gained, was obliged to act on the defensive; and the fortress of Luzzara and other contiguous posts were captured by the French, who had upon the whole somewhat the advantage of the campaign, though by no means what their great superiority of numbers entitled them to expect.

It remains to relate the naval exploits of the present year. The confederate fleet, consisting of fifty ships of the line, with about 14,000 land-forces on board, under the command of sir George Rooke and the duke of Ormond, sailed from St. Helen's July 1st, on a secret expedition; and on the 12th of August they cast anchor before the city of Cadiz. One side of the two bays of Cadiz, both inner and
outer,

outer, is formed by a narrow neck of land which runs into the Western Ocean three miles in length. At the extremity of this neck stands the town of Cadiz, well fortified towards the land on the east, and the bay on the north. St. Mary's is situated on the opposite shore. The inner bay, called the Pointal, formed by two points of land 700 yards distant, is commanded by two forts, called Matagorda and St. Laurent. The men of war and the galleys that lay in the outer bay retired into the Pointal, whither sir Stafford Fairborne offered immediately to follow them; but this sir George Rooke thought too hazardous. And instead of proceeding to vigorous enterprise, several days were lost in endeavoring to obtain intelligence; in which time the most valuable effects of the Spaniards were conveyed from Cadiz to St. Mary's, and the narrow passage between the bays rendered impracticable. At length a council of war was called, which, in opposition to the remonstrances of the duke of Ormond, came to a resolution not to make an attempt on the island of Cadiz. However, the land-forces being disembarked made themselves masters of Port St. Mary, where the authority of the general was insufficient to restrain them from the grossest excesses. After an unsuccessful attempt on the Fort of Matagorda, it appeared to be the general opinion that nothing could be done; and provisions growing scarce, and the naval commanders representing the dangers of the sea at this season, the duke of Ormond with great reluctance consented to re-imbark the land-forces; and the whole fleet set sail for England.

On their return they received, by a fortunate chance, the intelligence that the Spanish flota, under the convoy of a strong squadron of ships of war, had put into the harbour of Vigo, which it was instantly determined to attack. All those difficulties which were magnified into mountains at Cadiz here dwindled into mole-holes. The duke of Ormond, at the head of a large detachment of troops, reduced by extraordinary exertions of valor the castles at the
entrance

entrance of the port. And the immense boom thrown across the harbor being broke asunder by admiral Hopson, who bore with full sail against it in the Torbay; the whole fleet of men of war and galleons, which had retreated thither for security, were destroyed or captured, with considerable loss. The cargo on board the fleet was computed at twenty millions of pieces of eight in gold and silver—the goods were valued at as much more. Both of specie and merchandize, however, a large proportion was taken out and saved by the enemy. But enough remained to reward and enrich the captors, who, at their arrival in England, were received with loud acclamations—the success at Vigo silencing the clamors occasioned by the previous miscarriage at Cadiz.

The parliament of England, which by law terminated six months after the death of the king, was on the 2d of July dissolved by proclamation, and a new parliament summoned, which met for the first time on the 20th of October, 1702, Robert Harley being again chosen Speaker. The queen opened the session with a popular speech, in which she expressed her determination “to prosecute those measures which should be most effectual for disappointing the boundless ambition of France; and that the nation might the more cheerfully bear the necessary taxes, she desired the commons to inspect the accounts of the public receipts and payments, in order to detect abuses and punish the offenders.”

The complexion of the house of commons quickly appeared to be of the tory and high-church cast; and an address was presented abounding with oblique and invidious reflections on the memory of the late king. In one paragraph it is said, “The vigorous support of your majesty’s allies, and the wonderful progress of your majesty’s arms under the conduct of the earl of Marlborough, have signally RETRIEVED the antient honor and glory of the English nation.” In lieu of this unjust and malicious expression, all
who

who had a regard for the memory of king William strenuously insisted on substituting the word **MAINTAINED**, asserting with truth, “ that in no reign was the honor of the nation ever carried to a greater height—that to him they owed their preservation—and that he had designed and formed that great confederacy from which all the recent successes had resulted.” On a division, the word **RETRIEVED** was nevertheless retained by a majority of 100 voices ; the whole strength of the court being meanly and injuriously engaged on that side.*

The queen had in her speech declared, “ that she was resolved to defend and maintain the church as by law established,” without any mention of toleration ; and the commons in reply complimented her majesty on being “ a most illustrious ornament to the church ;” and they say, “ We promise ourselves that in your majesty’s reign we shall see it perfectly *restored* to its due rights and privileges, and secured in the same to posterity, which is only to be done by divesting those men of the power who have shewn they want not the will to destroy it.” Very serious and just alarm was taken at the tenor of this speech and address, by the

* Mr. Walsh, the celebrated poet and critic, at this time knight of the shire for the county of Worcester, composed, on occasion of this debate, the following happy satiric verses, inserted in a poem called *The Golden Age*, written in ludicrous allusion to the fourth eclogue of Virgil.

Now all our factions, all our fears shall cease,
And tories rule the promis’d land in peace.
Malice shall die, and noxious poison fail ;
Harley shall cease to trick, and Seymour cease to rail,
The lambs shall with the lions walk unhurt,
And Halifax with Howe meet civilly at court.
Viceroys, like Providence, with distant care
Shall govern kingdoms where they ne’er appear :
Pacific admirals, to save the fleet,
Shall fly from conquest, and shall conquest meet :
Commanders shall be prais’d at WILLIAM’S cost,
And HONOR be **RETRIEVED**—before ’tis lost !

the whigs, and more especially the dissenters; but affairs took a subsequent direction very different from the general expectation.

Soon after the commencement of the session, the queen, by a message to the house of commons, recommended the making a farther provision for the prince of Denmark in case of survivance. The court of Hanover had entertained very uneasy apprehensions lest an effort should be made by his royal highness to obtain a participation in the regal dignity: but the indolence and incapacity of the prince were wholly unequal to the accomplishment, and it may almost be said to the conception, of so great an object. The house voted him a revenue of 100,000*l.* per annum, with which he appeared entirely satisfied.

The earl of Marlborough, for his great services during the last campaign, was about this period created a duke; and the queen informed the house of commons, that she had also granted him a pension of 5000*l.* per annum out of the post-office revenue, and signified her wish that it might be perpetuated to him and his heirs by act of parliament. This occasioned high debates; and the duke, seeing the averfeness of the commons to comply, requested the queen to withdraw her message. And the house, by way of apology, stated, in an address to the throne, “their apprehensions of the danger of making a precedent for the alienation of the revenue of the crown, *so much reduced by the exorbitant grants of the last reign.*” This refusal was thought nevertheless to excite in the mind of the duke no little chagrin and resentment towards the tory party, the zealots of which detested the temporizing measures of the present ministers, and were loud and incessant in their applauses of the earl of Rochester.

The Toleration act, passed in the late reign, had ever been regarded by the same description of persons with an eye of jealousy and aversion. But the happy effects of the toleration were by this time so apparent, and the act itself

was so much the object of national reverence, and appeared so strongly engrafted into the constitution as settled at the Revolution, that every idea of a repeal was precluded. The dissenters were therefore to be attacked during the prevalence of the tory influence in a different quarter. It seems that sir Humphry Edwin, a dissenter, who served the office of lord mayor of London in 1697, had, during his mayoralty, been guilty of the gross indiscretion of attending in his formalities with the city sword, &c. at a certain meeting-house or *conventicle*, called Pinner's Hall. This was much exclaimed against at the time, and was now made the pretext for bringing in a Bill for preventing, under very great and grievous penalties and incapacities, the practice of Occasional Conformity, which was painted in frightful colors as an enormity by which the CHURCH was exposed to the most imminent dangers. In the preamble of the bill the toleration was asserted, and all persecution for conscience sake condemned in an high strain: yet, when a clause was moved to exempt protestant dissenters from such onerous offices as could not be executed without a compliance with the test, it was carried in the negative—so that, whether they did or did not accept in such cases, they were liable, if not to persecution, at least to punishment. This Bill passed the commons by a great majority, and was carried up to the lords, who received it with visible marks of coldness and disgust. Unwilling, however, to put a direct negative upon the Bill, the adverse party took an effectual method of defeating it by altering and mitigating the pecuniary penalties therein imposed. The house also struck out a declaratory clause affirming it to be the intention of the Test Act that every person complying therewith should be in all respects conformable to the church. Even with these modifications the bill passed with difficulty, though the influence of the court was fully exerted in its favor. The lords Marlborough and Godolphin declared openly for the bill; and prince George of Denmark, himself an occasional

sional conformist, and habitually attending at the Danish chapel, divided in favor of it. Previous to the division, the prince is reported to have said in his broken English to lord Wharton on passing below the bar, "*My herte iz vid you.*" The bill being returned to the commons, a free-conference was demanded and held on the subject of the amendments; and each house, after vehement altercation, adhering to its opinion, the bill was lost for this session.

The disposition of the commons farther displayed itself by a bill prolonging by a whole year the time allowed for taking the abjuration oath. The upper house agreed to this, but the whig lords had influence sufficient to obtain the insertion of two important clauses; the first declaring it high treason to endeavor to defeat the succession to the crown as now by law established;—and, secondly, for extending the obligation of the oath to Ireland. This was turning the tables very dextrously upon the tories, the clauses being so plausible and popular that the commons would not venture to reject them. A Bill was also in the course of the session introduced by sir Edward Seymour, for "resuming all the Grants of the late King." This blow was happily parried by Mr. Walpole, member for Lynn Regis, distinguished very early in life by his parliamentary talents, who moved to add, "and those of king James."—This was negatived; but, the partiality being too apparent, the bill was subsequently dropped.

The Place Bill, so much a favorite with the tories during the late reign, was now revived by the whigs, and brought into the house by sir John Holland. But its former advocates, Howe, Musgrave, Seymour, &c. with surprising effrontery opposed and negatived it; instead of which they brought in a Bill founded on a novel idea, which they pretended would answer the purpose of securing the independency of the house much better—providing that no persons shall be chosen members but such as are possessed of a certain

certain qualification in landed estate. This was however rejected by the lords, and the session was terminated so early as the 27th February, 1703—the queen declaring in her speech “her resolution to maintain the Act of Toleration, with which she hoped those who had the *misfortune* to dissent from the church would rest satisfied.”—

The proceedings of the convocation, which sat during the session of parliament, are almost too inconsiderable for historic notice. In their address they told the queen, “that they promised themselves, whatever might be wanting to *restore* the church to its due right and privileges, her majesty would have the glory of doing it, and of securing it to posterity.” The same frivolous disputes relative to the privileges of the upper and lower house were revived; and the chief artifice of the bishops being to represent the refractory members of the lower house as favorers of presbytery, a resolution was passed, affirming, “in opposition to all scandalous and malicious representations of their sentiments, the order of bishops to be of divine apostolical institution,” in which they desired the concurrence of the upper house, “in order that it might be the standing rule of the church.” But this was remarked to be a manifest attempt to make a new canon or constitution, without obtaining a royal licence, contrary to the statute of Henry VIII.—and in the midst of their great zeal they found it necessary to beware of the dangers of a *premunire*. The lower house of convocation at length represented their grievances in a labored petition to the queen, setting forth, “that, after ten years’ interruption of convocations, several questions had arisen respecting the rights and liberties of the lower house, which they implored her majesty to call into her own royal audience.” The queen promised to consider their petition, and send them an answer as soon as she could. But no answer was ever returned. Lord Nottingham, the great patron of the church, acknowledged he did not understand the question; and the present ministers, being men of penetration

etration and ability," saw doubtless the absurdity of making themselves parties in a dispute which nothing could elevate to consequence but the interposition of the civil power. And the proceedings of the convocation, once so formidable, served only to prove how easily an assembly of churchmen, divested of power, sink into neglect and contempt.

It may deserve mention as a *trait* of the weakness and superstition of the queen's character, that at this period the preposterous practice of *touching* for the king's-evil was revived ; and to make the impiety vie with the nonsense of the thing, an office was inserted in the Liturgy, to be used upon the occasion. One Bernard, appointed first surgeon to the queen, a man of wit, who had often made this *precious foolery* the subject of his satire, being reminded of his former jests, said with a f leer—" Really one could not have thought it, if one had not seen it."

The operations of the English arms in the countries beyond the Atlantic had been upon the whole favorable in the course of the last year. Colonel Moore, governor of Carolina, with a strong provincial force made himself master of the town of St. Augustine, capital of the neighboring Spanish settlement of Florida : but the arrival of some French and Spanish ships compelled him to evacuate his conquest previous to the surrender of the fort or citadel. Colonel Codrington, governor of the Leeward Islands, landing on the Isle of Guadaloupe, possessed himself of the town and castle of Basse-terre ; and, after ravaging and plundering the country, he retired with inconsiderable loss to St. Christopher's—Guadaloupe at that time, as it should seem, not being thought worth the expence of keeping. An English armament, consisting chiefly of privateers, sailing up the river Darien, arrived in twelve days at the golden mines of Santa Cruz, near St. Martha, whence, though the country was previously alarmed, they carried off a great booty.

The squadron detached by the late king under admiral Benbow

Benbow to the West Indies fell in, August the 19th, 1702, with a French armament of nearly equal force under M. de Cassé. But the *Defiance* and *Windsor*, two of his capital ships, after receiving two or three broadsides, deserted the line, and bore away out of gun-shot. Other ships of the fleet also falling astern, the French endeavored to escape in the night. The English commander pursued, hoping his captains, on the renewal of the engagement, would not fail to do their duty. For several successive days the admiral fought the enemy with the utmost bravery, though very ill supported, till on the 24th his right leg was broke in pieces by a chain-shot; but, ordering his cradle upon the quarter-deck, he continued the fight with undiminished ardor. Almost all the other ships keeping aloof, he made the signal for the captains to come on board: but his entreaties and reproaches proved equally unavailing, and he was most reluctantly compelled to desist from any farther pursuit of the enemy, though actually within his grasp. Returning to Jamaica, he ordered a court martial to be held on six of the captains, two of whom, Kirby and Wade, were condemned to be shot; which sentence was in the sequel executed upon them, by her majesty's command, at Plymouth. Admiral Benbow, after languishing some weeks, died of his wounds, extremely lamented as one of the bravest and most experienced naval officers that England ever bred. He was a man possessed of many virtues, but his manners were extremely rough and repulsive: and the behavior of the delinquent captains was supposed to result more from resentment than cowardice. In a letter written by Benbow after the engagement, he declares, "that the loss of his leg did not trouble him half so much as the villainous treachery of some of his captains." It is remarkable, that the name of Benbow is still of great and undiminished popularity in the British navy.

Early in the spring of the year 1703, the duke of Marlborough re-assumed the command of the allied army, and opened

opened the campaign with the siege of the important town of Bonne—after the reduction of which, he marched towards the French army under M. de Villeroi, with an intention to give them battle; but at his approach that general thought proper to retire within his lines, after setting fire to his camp; and the duke was obliged to satisfy himself with the conquest of Rhinberg, Huy, Limburg and Gueldres.

On the Rhine marechal Villars maintained the superiority of the arms of France. That able and fortunate general in the month of March invested the fortress of Kehl, opposite Strasburg, which soon surrendered on honorable terms. And he had orders from the court of Versailles to join the elector of Bavaria, who had defeated the Imperialists at Scarding, and taken possession of the city of Ratibon, where the diet of the empire was actually assembled. Prince Louis of Baden lay encamped at Stollhoffen, where he was attacked in his entrenchments by marechal Villars and count Tallard, with a force more than double his number; but the French were vigorously repulsed, and the two marechals obliged to withdraw with some precipitation. Nevertheless, marechal Villars, penetrating the passes of the Black Forest, joined the elector near Duting. It was also designed that this prince should be farther reinforced by the duc de Vendome from the Milanese: but the elector marching into the Tyrol, with a view to facilitate this junction, where he even made his triumphal entry into Inspruck the capital, was in the sequel attacked by the peasants of the country with such fury that he was compelled to evacuate the whole territory with great loss; and the duc de Vendome, who had advanced almost to Trent, retired back to Italy, where the Imperialists were too weak and too ill supplied to be able to act offensively; and the miscarriage of the design upon the Tyrol lost the French so much time, that they made no other acquisition this summer beyond the mountains than the strong fortress of Barfello, accounted

the key of the duchy of Modena. On the second junction of the elector with marechal Villars, the Imperial general count Stirum was attacked and totally routed by the united forces of France and Bavaria; after which, the Imperial city of Augsburg, notwithstanding the efforts of the prince of Baden for its relief, was obliged to surrender to the elector, who now became very formidable. In the mean time, the count de Tallard reduced the cities of Old Brisac and Landau; and the successes of the French on the Rhine, and in the heart of Germany, made ample amends for their disasters in Flanders.

The French interest nevertheless received a great blow this year by the defection of Savoy, and by the accession of Prussia and Portugal to the grand alliance. The French court, having reason to suspect the designs of the duke of Savoy, covered as they were by the most artful subtlety, employed the elector of Bavaria to write a pretended confidential letter to him, filled with complaints of the insolence and perfidy of the French, and inviting the duke to join in concert in order to counteract their projects, and restore the peace of Europe. The duke, mistrusting nothing, wrote him a frank answer, acknowledging his own intended change. On this, orders were transmitted to the duc de Vendome to seize and disarm the troops of Savoy, and to demand the surrender of the fortresses of Verceil, Verjur, Sufa, and other places: and a menacing message was delivered to his highness from the French king, declaring, "that since neither religion, honor, nor interest were of force to bind him to his engagements, he had sent his cousin the duc de Vendome at the head of his army, to make known to him his intentions—allowing him twenty-four hours only to resolve what to do." In the interim, the duke of Savoy had concluded a treaty with the court of Vienna, and recognised the archduke Charles as king of Spain: and count Staremberg, who had the reputation of being the ablest general in the Imperial service next to prince

prince Eugene, received orders to march to his relief. This was a commission very difficult and hazardous to execute—the winter being now far advanced, and the enemy in possession of almost the whole country from Modena to Turin. But by extraordinary exertions of military skill and valor, the count formed a junction with the Piedmontese army on the 13th of January, 1704.

The determination of the court of Lisbon was supposed to be chiefly influenced by the representations of the grand admiral of Castile, who, being entirely gained over to the Imperial interest, had retired into Portugal with the wealth he could carry with him, and by urgent persuasions and magnificent promises prevailed upon the king of Portugal to accede to the grand confederacy. And a treaty was in consequence signed on the 24th of May, 1703, between the emperor, the queen of Great Britain, the states-general, and the king of Portugal; by which the maritime powers engaged to send over a powerful fleet, with 12,000 troops and a great supply of money and arms, to Portugal—that monarch stipulating to have an army of 28,000 men ready to join them, and the archduke was to take the command of the combined forces in person. In the month of October the nominal monarch arrived in Holland, having had an interview with the duke of Marlborough at Dusseldorf, to whom he presented a rich sword, accompanying it with high expressions of esteem and regard—saying, “he hoped the duke would not think it the worse for his having worn it himself one day.”

His catholic majesty was detained some weeks in Hol, and by a succession of storms and tempests, which on the night of the 26th of November (1703) rose to an height never before remembered in England. The city of London was shaken as by an earthquake: the noise and violence of the hurricane, accompanied by torrents of rain, were dreadfully terrific; and the darkness was changed into artificial day by the incessant glare of lightning. The roofs of

very many churches and other public buildings were uncovered—the wind rolling up the sheets of lead as scrolls of parchment. A great number of houses were blown down; Dr. Kidder, bishop of Bath and Wells, with others of the family, were killed by the fall of the episcopal palace; and the damage sustained in all parts of the kingdom was incalculable. Rear-admiral Beaumont, who commanded a squadron then lying in the Downs, was lost on the Goodwin Sands, in the *Mary* of sixty-four guns, with several other line of battle ships; and 1,500 seamen were computed to have perished. The admired and beautiful structure of the Eddystone light-house, built by the famous Winstanley, was demolished; the architect himself being of the number of persons inclosed in it. Having been frequently told that the edifice was too slight to withstand the fury of the winds and waves, he was accustomed to reply contemptuously, that he only wished to be in it when a storm should happen. Unfortunately his desire was gratified. Signals of distress were made, but in so tremendous a sea no vessel could live, or would venture to put off to their relief.

About the end of December the king of Spain landed at Portsmouth, and immediately repaired to Windsor, where the court was then celebrating the festival of Christmas. Here he was entertained with a splendor and magnificence corresponding with the opulence and grandeur of the British nation. This young prince displayed the true Austrian reserve and gravity, speaking very little, and never once being perceived to smile. His manners were nevertheless perfectly decorous and obliging, and he appeared highly pleased and gratified with his reception. Early in the new year (1704), he sailed, under convoy of a powerful squadron commanded by sir George Rooke, to Lisbon, where he was welcomed with all the honors due to a king of Spain.

On the 9th of November, 1703, the session was opened by a very warlike speech, demonstrating only how absolute was the

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the ascendancy now acquired by the Marlborough connection over the pacific and unambitious disposition of the queen. She demanded "such supplies as should be requisite to defray the necessary charge of the war during the next year, with regard not only to all the former engagements, but particularly to the alliance lately made with the king of Portugal, *for recovering the monarchy of Spain from the house of Bourbon, and restoring it to the house of Austria*"—an object which was never avowed, nor, as there is any reason to believe, ever entertained by the late king William, the original projector of the grand alliance. In the conclusion of her speech the queen expressed her earnest desire of seeing all her subjects in perfect peace and union amongst themselves; and she deprecated any heats or divisions that might deprive her of that satisfaction, and give encouragement to the common enemies of church and state.

This denoted the rising ascendancy of whig principles; and was understood as an intimation of her desire, that there should be no farther proceedings in the Bill against Occasional Conformity, so opposite to the policy of the whigs, upon whose zeal the ministers greatly depended for the farther prosecution of the war. But in a very short time after the meeting of parliament, a motion was made in the house of commons for leave to bring in a Bill against Occasional Conformity, and carried, notwithstanding the *non-concurrence* of the court, by a great majority. It was, however, somewhat differently modified from the former, and the penalties greatly mitigated; and in the preamble the clause against persecution was modestly and properly omitted. The old topics of the hypocrisy of the sectaries and the danger of the church being still the favorite theme, the bill triumphantly passed the house on the 7th of December, 1702; and being sent up to the lords, it occasioned a debate of many hours, whether the bill should be read a second time, or thrown out. The prince of Denmark,

Denmark, and several other peers connected with the court, absented themselves from the house ; and others, who had formerly voted for it, pretending they saw farther into the design of the bill, now appeared openly against it. The bishops, hesitating between opposite interests, were almost equally divided ; and bishop Burnet, the champion of the low-church party, made an able and impressive speech in opposition to the bill. This prelate cited the example of queen Elizabeth, who was so far from thinking a law of this kind necessary, that she encouraged the occasional conformity of papists in her reign as a measure of policy, with the general approbation of the kingdom. But the pope saw the tendency of this indulgent system, and therefore HE took care to put a stop to it. " Surely," said he, " the dissenters in this reign are not more to be dreaded than the catholics in that of Elizabeth. After the late king had delivered us from our fears and dangers, and an Act of Toleration was passed, the church, far from being weakened by it, had become both stronger and safer ; and the numbers of the non-conformists had considerably diminished. But a measure of this nature will," said he, " excite their jealousy and their anger ; and when these passions are awakened, it is in vain to expect to work by any arguments upon their reason. The bishop said, that he himself had been an occasional conformist at Geneva and in Holland ; and he thought that occasional conformity with a less perfect church very consistent with the habitual worship of God in a more perfect one ; and it remained a mere point of opinion, which church or society was the more and which the less perfect. He himself thought the separation of the dissenters founded on error and mistake : but if they were to be tolerated in their mistakes, he knew not why they should not be tolerated in a practice which had a direct tendency to moderate and rectify them. Before the civil wars of the last century, he observed that a great difference

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was constantly made between the Puritans and the Brownists; on this very account: and the former had been allowed some degree of merit, in conforming to the church so far as they lawfully could; and the latter condemned as schismatics in totally separating from it. But now all was reversed. Those who came nearest to the church were discouraged, and the most hostile and bigoted separatists only are deemed entitled to indulgence and favor. If occasional conformity be an error, I see not," said this liberal prelate, "why it should be worse treated than the errors that are now tolerated: for of all errors it is that which has done the greatest service to the church." The lords Marlborough and Godolphin, though they declared the bill to be *unseasonable*, voted for the second reading of it. But this by no means sufficed to maintain their reputation with the high-church party, who plainly perceived their change of sentiment respecting this favorite measure—and from this period these lords were decried by the tories throughout the kingdom as cold or luke-warm friends of the church—and the earl of Rochester extolled by them as the only man who could be depended upon for zeal and firmness in defence of the civil and ecclesiastical constitution of the realm in times of difficulty and danger. On dividing the house, it was resolved by a majority of twelve voices not to give the bill a second reading, but to REJECT it.*

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* In the queen's private correspondence with the duchess of Marlborough at this period, under the feigned names of Mrs. Morley, and Mrs. Freeman, her real and secret inclination in favor of the tories is strongly expressed. She says, "I must tell you Mr. Bromley will be disappointed; for the prince does not intend to go the house when the Bill against Occasional Conformity is brought in. But, at the same time that I think him very much in the right not to vote in it, I shall not have the worse opinion of any of the lords that are for it. For though I should have been very glad it had not been brought into the house of commons, because I would not have had any pretence given for quarrelling, I cannot help thinking, now it is as good as passed there, it will be better for the service to have it pass the house of lords too. I must own to you that I never cared to mention any thing on this subject to you, because I knew you would not be of my mind—but since you have given me this occasion, I cannot forbear saying that I see nothing like persecution in this bill."

In the course of the present session a discovery was made of a plot which excited much attention, and some alarm; though scarcely deserving of either. Simon Frazer of Beaufort, head of the clan of the Frasers, who assumed upon questionable authority the title of lord Lovat—a man of a character infamously profligate, of much low cunning and plausible address, had been deputed from the court of St. Germaine's into Scotland, with a commission to treat with the Highland chieftains who were still attached to that interest. After much intrigue and cabal, not only with the Highlanders but divers of the Scottish nobles, he obtained an introduction to the duke of Queensberry, high-commissioner, to whom he betrayed the whole secret of his embassy. And it appears that Queensberry took an ungenerous advantage of this discovery, to expose, if not to ruin, several persons whom he accounted his personal or political enemies, particularly the marquis of Athol, for whom Lovat pretended to have a letter from the queen at St. Germaine's, thanking that nobleman for his assurances of fidelity and attachment. The direction of this letter, said to be intended for the duke of Gordon, was observed to be in a hand different from the contents, to which it was affirmed by the friends of the marquis to be insidiously affixed by Lovat, between whom and Athol subsisted a *deadly feud*. Intelligence being conveyed by Queensberry to the ministers in London of this secret mission of Lovat, which was also corroborated by the seizure of several jacobite emissaries; at or about this time; her majesty on the 17th of December, 1703, acquainted the two houses in a formal speech, “that she had unquestionable information of very ill practices and designs carried on in Scotland.” A very long and tedious examination of particulars followed hereupon, upon which the house of commons passed no judgment, and offered no advice; but the house of peers, as the result of the whole, towards the end of the session, came to a resolution, which they expressed in an address to the queen,
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“That there appeared to have been a dangerous conspiracy carried on for raising a rebellion in Scotland, and invading that kingdom with a French power; and their lordships gave it as their opinion, that nothing had given so much encouragement to her majesty’s enemies to enter into this detestable conspiracy, as that the succession to the crown of Scotland was not declared to be in the princess Sophia and her heirs, being protestants.” To which the queen replied, “That she had already declared her intentions of endeavoring the settlement of the protestant succession in Scotland, as the effectual means of securing their quiet and our own, and the readiest way to an entire union between both kingdoms, in the perfecting of which it was very desirable that no time should be lost.”

The secret correspondence of Frazer with Queensberry could not long remain unsuspected by the jacobites. In consequence of a pass procured for him by that nobleman, he returned to the Continent, and, repairing to the court of St. Germaine’s, delivered in a long and confused memorial to the queen-regent, containing a pompous account of the success of his mission, acknowledging without reserve his intrigues with Queensberry, Argyle, Leven, &c. On the perusal of this memorial, the earl of Middleton, clearly perceiving the falsehood and treachery of Lovat, declared in a letter to M. de Torcy, January 16, 1704, “that, although he never had a good opinion of him, he did not think him fool enough to accuse himself. The informations given against him by others,” said his lordship, “are out of the question. He acknowledges plainly a formal disobedience; for he was absolutely forbidden to treat with any but the Highlanders. He told me that Queensberry, Argyle, and Leven were the greatest enemies of the king in that country; yet he communicated to them the whole of his commission. He rejects extraordinary offers, but obtains a pass to go to London; and from thence the same Queensberry obtains another pass for him under a borrowed name,

name, to secure his safe return to France. It is therefore clear as day-light, that these noblemen wanted to employ him here as a spy—and for seizing letters and commissions which might serve as proofs against the men of honor in that country.* In conclusion, Lovat, in reward of the great services he boasted to have performed, was thrown into the prison of the Bastille. The most remarkable circumstance attending this futile conspiracy, was the extreme ardor with which it was investigated by the peers, and the indifference approaching to contempt apparent in all the proceedings relative to it in the house of commons—affording a good political barometer of the general state of parties and opinions in the legislative body.

Great and merited popularity was acquired by the queen in consequence of a message delivered to the house of commons by the secretary of state, sir Charles Hedges, on the anniversary of her birth-day this year, 1704, importing, “that her majesty, having taken into her serious consideration the mean and insufficient maintenance belonging to the clergy in divers parts of this kingdom, to give them some ease had been pleased to remit the arrears of the tenths to the poor clergy: and for an augmentation of their maintenance her majesty declared that she would make a grant of her whole revenue arising out of the first fruits and tenths, *as far as it should become free from incumbrances*, to be applied to this purpose. And if the house of commons could find any proper method by which her majesty’s good intentions to the poor clergy might be made more effectual, it would be of great advantage to the public, and acceptable to her majesty.” Upon the queen’s message a bill was brought in, enabling her to alienate this branch of the revenue, then amounting to about 17,000l. per annum, but since much improved and increased, and to create a corporation by charter to apply it to the use for which she now gave

* Macpherson’s Papers, vol. i. p. 652.

gave it. In aid of which purpose, a partial repeal of the statute of Mortmain took place, that it might be free to all men to give or bequeath what they thought fit towards the augmentation of the fund. This excellent charity is known by the appellation of queen Anne's bounty; and it produced a set of addresses from all the clergy of England, full of thanks and just acknowledgments. To render the royal message perfectly intelligible, it is necessary to remark, that this antient branch of the papal, and, since the æra of the Reformation, of the royal, revenue had never been regularly paid into the royal treasury; but, being collected by the bishops, was set apart as a fund on which to make assignments to court favorites—the earl of Sunderland at this very period enjoying a pension of 2,000*l.* per annum for two lives, payable out of the same. As the courtiers, therefore, were so much interested, in the perpetuation of this abuse, greater merit is ascribable to the queen for adopting a mode of extinguishing it, at once so effectual and so beneficial.

A remarkable act passed this session, empowering justices of the peace to take up such idle persons as had no calling or means of subsistence, and to deliver them to the officers of the army, upon paying them the levy-money allowed for raising recruits. Another bill was likewise introduced into the house of commons, to compel the several parishes throughout England to furnish to the army a certain complement of men. But this being regarded, in times more vigilant and jealous than the present, as “a copy of what was practised in France and other despotic governments, and inconsistent with the constitution and liberty of Englishmen,” it was unanimously REJECTED. On the 3d of April, 1704, the queen came to the house, and in a speech of form put an end to the session.

The whigs still appeared to gain ground in the cabinet. The earl of Nottingham, while the parliament was yet sitting, resigned his post of secretary of state—not being
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able to obtain the dismissal of the dukes of Somerset and Devonshire from the queen's service, and resolving, as he declared, to participate no longer in any councils to which those great whig peers were admitted. The seals were given to Mr. Harley, and at the same time Mr. St. John was made secretary at war. The key of chamberlain also was at this period taken from lord Jersey, and transferred to the earl of Kent. The proceedings of the Convocation happily remained too insignificant for attention. The lower house sent up a representation to the bishops, enumerating some abuses in ecclesiastical discipline and the consistorial courts; but no notice was taken in it of pluralities, non-residence, and the flagrant and scandalous neglect of cures.

In the month of January, 1704, count Wratislaw, the Imperial ambassador, presented a memorial to the British court, in which he represented the alarming and dangerous situation to which the emperor and the empire were reduced in consequence of the rapid success of the French arms in Germany, and the defection of the elector of Bavaria, who had entered into a strict confederacy with France; had joined the armies of that monarchy with all his forces; had seized the cities Augsburg, Ulm, and Passau, and threatened to attack even the Imperial capital of Vienna itself. The emperor therefore implored the aid and protection of the queen and people of ENGLAND to save the ROMAN EMPIRE from impending ruin.

This application, so glorious to the English nation, was not made in vain. The duke of Marlborough received orders from the queen to concert with the states the most eligible means of accomplishing this great object. On his arrival at the Hague, he represented to their high mightinesses the necessity of making a powerful effort for the relief of the empire; and proposed, that, as the frontiers of Holland were now perfectly secure, he should be permitted to march with the grand confederate army to the banks of the Moselle, there to fix the seat of the war. And as the French
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court would, in consequence of this diversion, be led to entertain serious apprehensions for the safety of their own territories, they would be compelled to desist from any farther prosecution of their vast and ambitious projects in Germany. Under this veil did that great commander conceal his real design, which he communicated only to the pensionary Heinsius, and two or three other leading persons, whose influence might obtain a sanction to the measure whenever a public avowal of it should be deemed necessary. The consent of the states being with some difficulty procured, and the campaign at length opened, the proposed march to the Moselle accordingly took place. Marshal Tallard, who commanded the French army, apprehending Traerbach to be in danger, and that the duke's intentions were to penetrate into France on that side, took no steps to obstruct his grace's farther progress to the east. To the amazement, however, not only of the French general, to whom the duke's movements were wholly incomprehensible, but of all Europe, whose attention was now fixed on this interesting scene, the allied army passed the Rhine May 26th, and in a few days after the Maine and the Necker. On his arrival at Ladenburg, June 3d, he thought proper to throw off the mask; and he wrote from thence a letter to the states, acquainting their high mightinesses "that he had received orders from his sovereign the queen of England, to adopt the most vigorous measures to deliver the empire from the oppression of France—that for this purpose he was proceeding on his march to the Danube; and he hoped their high mightinesses would not hesitate to allow their troops to share in the glory of this enterprize." The states, finding it impracticable to recede, thought it advisable to comply with a good grace, and immediately dispatched a courier to inform the duke, "that his design met with their unanimous approbation—that they entrusted their troops entirely to his disposal, placing the most perfect reliance on his grace's skill, experience and discretion." This difficulty being

being thus happily surmounted, the duke proceeded on his expedition: and at Mildenheim he had an interview with prince Eugene, in which these two consummate generals agreed upon their future plan of operations. On the 1st of July, the duke, being previously joined by the Imperial army under the prince of Baden, came in sight of the lines of Schellenburg, in which the flower of the Bavarian troops lay strongly entrenched, near the town of Donavert, situated on the banks of the Danube. Early the next morning his grace resolved on the attack; and after a very gallant resistance the lines were forced with great slaughter, and Donavert immediately surrendered at discretion.

But this success, though brilliant, was lost in the splendor of the subsequent victory. The elector of Bavaria obstinately refusing to listen to terms of accommodation, and being at length joined by M. Tallard, who had with great danger and difficulty traversed the immense forests of Suabia with a view to his relief; it was resolved by the duke of Marlborough and prince Eugene—the prince of Baden being engaged in the siege of Ingoldstadt—to engage, August 13, the combined armies of French and Bavarians, then posted near the village of BLEINHEIM, a name ever memorable in the annals of British and of Gallic history. The enemy were very advantageously encamped on a rising ground. Their right flank was covered by the Danube and the village of Bleinheim, into which the marechal had thrown a great body of his best troops: their left wing, commanded by M. Marsin and the elector, in person, was protected by the village of Lutzingen and the adjoining woods; and they had in front of the camp a rivulet, whose banks were steep and the bottom marshy. It being determined that the duke of Marlborough should command the attack against marshal Tallard, about noon the left wing of the allied army passed the rivulet without molestation, and drew up in order of battle on the other side. So unaccountably supine, or inexcusably presumptuous, were the French commanders

commanders on this occasion, that they suffered even the second line of cavalry to form without descending from the heights of which they were in possession, into the meadows, which occupied the interval between the camp and the rivulet. On being informed that the allies were throwing bridges over different parts of the stream, M. Tallard disdainfully replied, "If they have not pontoons enough, I will lend them some." The allies now ascending the hill in a firm compacted body, the enemy advanced with great spirit and resolution, and a furious and bloody contest ensued. The French at length giving way on all sides, M. Tallard made an effort to gain the bridge thrown over the Danube, between Bleinheim and Hochstedt: but being closely pursued, vast numbers were either killed or forced into the river, and the marechal himself was made a prisoner. The troops inclosed in the village of Bleinheim, being now left destitute of support, were obliged to surrender at discretion. On the right, where prince Eugene commanded, though the success was not so decisive, the elector and M. Marfin were compelled, after a severe conflict, to retreat in confusion, and with very great loss; and, upon the whole, this was one of the most complete and important victories ever gained. The French force in Germany was in effect annihilated. Exclusive of the prodigious carnage during the heat of the action, seventy entire squadrons and battalions were either captured at Bleinheim or drowned in the Danube; and the shattered remains of their army, after the loss of 40,000 veteran troops, were utterly incapable of making head against the victors. This day entirely changed the aspect of affairs in Europe. France was no longer formidable. After her long succession of triumphs, she now experienced a fatal and sudden reverse of fortune, by which she was overwhelmed with amazement and consternation.

The danger and difficulty of this attack, on a superior army thus advantageously posted, was represented to the duke

duke in strong colors by several of the general officers. But he told them, " he had weighed these objections in his mind, and he foresaw that inaction would be no less fatal than defeat—the empire was not to be saved without effort, and the attempt, however hazardous, was necessary." It appears that this great commander, perceiving the crisis to which matters had now arrived, knowing the fate of Europe to be depending, and inflamed with that enthusiastic love and ambition of glory which constitute the hero, had determined to conquer or to die. On the eve of the battle he had, agreeably to that regard to religion which was a remarkable *trait* in his general character, devoted himself to the Almighty in the presence of his chaplain, and received the holy sacrament; and in the morning he was observed to be inspired with an extraordinary cheerfulness and alacrity, which diffused itself over the whole confederate army, who marched as if in confidence of victory. The most singular part of this business was the unconditional surrender of the forty battalions and squadrons posted at Bleinheim, and commanded by M. Clerambault, an officer of great reputed skill and courage. Marechal Villars, in a letter written by him to his friend the abbé de St. Pierre, speaks not merely of this surrender itself in terms of the highest indignation, but even of the compassion expressed for the unfortunate captives. " These sentiments," says he, " are very little like those of the antient Romans after the battle of Cannæ. What could they do better? say some silly people.—It is upon such occasions as this that one must answer with old Horatius in Corneille, '*Qu'il mourût.*'—The Spanish infantry at Rocroy chose rather to perish than to beg quarter." The encomiums bestowed on the duke of Marlborough in consequence of this victory, the greatest and most decisive which had been fought for several ages in Europe, were unbounded and universal; and no one was more eager to do justice to his unrivalled merit than prince Eugene, who pretended only to the

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second honors of the day. In the letter of congratulation written to the duke by the states-general, their high-mightinesses declare "that they never durst carry their hopes so far as to think of so glorious and complete a victory:" and in their subsequent epistle to the queen, they acknowledge "that it was the bravery of the English troops that principally contributed to the victory—and that the duke of Marlborough had reaped laurels that could never fade." The emperor, who previous to this glorious event, was reduced to a state of extreme peril, pressed by the Bavarian forces on the one side and the Hungarian insurgents on the other, wrote to the duke a letter filled with the warmest acknowledgments. After mentioning to his grace the honors so deservedly conferred upon him by his admission into the college of princes of the holy Roman empire, his Imperial majesty, to transcribe his own words, declares this to be done, "that it may more and more appear to all the world how much, as I freely own it, I and all the empire owe to the most serene queen of Great Britain, for having sent her powerful assistance as far as Augsburg and Bavaria itself under your conduct, when my own affairs and those of the empire were so much shaken and disordered by the perfidious defection of the Bavarians—Past ages having never seen the like victory obtained over the French, it may reasonably be hoped that the full and perfect liberty of the Christian world shall be rescued from the power of France, which was so imminently impending over it."

The elector of Bavaria, at the head of a small body of troops, effected a retreat, or rather made his escape, and joined marechal Villeroi in Flanders, leaving the electorate at the mercy of the conquerors, who, after reducing Ingoldstadt and the other fortresses of the duchy, gloriously concluded the campaign with the sieges of Landau, Triers, and Traerbach. And in the month of December (1704), the duke of Marlborough returned in triumph to

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England, where he was received with unbounded transports of joy.

The campaign in Brabant and Flanders, where *veldt-marechal Auverquerque* was opposed with great advantage and reputation to *M. Villeroy*, being wholly defensive, affords no occurrence meriting historic notice.

The English and Dutch auxiliaries arrived in Portugal early in the spring of 1704; but the court of Lisbon had made no preparations for taking the field; and the duke of Schomberg, general of the British troops, saw them with astonishment and indignation distributed amongst the frontier garrisons. The duke of Berwick, who commanded for Philip V. entering Portugal, reduced with little difficulty the towns of *Sogura*, *Salva-terra*, and *Cebrenes*. The *marquis de Villadarias*, at the head of another army, met with equal success. Passing the *Tagus*, the duke of Berwick, now joined by the king of Spain in person, invested *Portalegre*, and afterwards *Castel Davide*, both of which surrendered at discretion. The intense heat of the weather, and not the resistance of the Portuguese, at length compelled the Spanish general to send his wearied troops into quarters of refreshment. The duke of Schomberg was now superseded in the command by the earl of Galway, who carried with him large reinforcements; but no enterprise of moment distinguished the latter period of the campaign.

The success of the English by sea during the summer was upon the whole considerable. Sir George Rooke, who commanded in the Mediterranean, appearing before *Barcelona*, sent a flag of truce with a letter from the prince of Hesse-Darmstadt, formerly viceroy of Catalonia, who was on board the fleet, to the governor *don Francisco de Velasco*, summoning him to surrender the town to his lawful sovereign king Charles III. But though the city was known to be well affected to the Austrian interests, the governor returned an haughty refusal, and secured
divers

divers of the principal citizens whom he suspected. On his return to Lisbon, sir George Rooke was joined by sir Cloudesley Shovel; and in a council of war it was resolved to make a sudden attempt upon Gibraltar. After a furious cannonade, in which 15,000 shot were in a few hours fired into the town, the boats of the fleet were armed, and landed upon the peninsula; and a redoubt half way between the mole and the town being taken by storm, the governor thought proper to capitulate. No sooner had this unwelcome intelligence reached Madrid, than the marquis de Villa-darias was detached with a large body of troops to retake this important place.

After furnishing the fortress with the necessary supplies for a vigorous defence, sir George Rooke, sailing again into the Mediterranean in conjunction with the Dutch admiral Callemberg, met off Malaga, August the 13th, the French fleet under the count de Toulouse, consisting of about fifty ships of the line of battle. A fierce and bloody encounter ensued, in which, however, no vessel on either side was captured or sunk: but the French suffered much in the action, and bore away in the night for Toulon, so disabled as to render it impossible to put to sea again for the season. Sir George Rooke soon after this engagement returned to England, leaving sir John Leake with a strong squadron to defend the coasts of Portugal. The Spaniards had drawn together all the forces they had in Andalusia and Extremadura, for the purpose of forming the siege of Gibraltar; which made a seasonable diversion in favor of Portugal. All the efforts of the count de Villa-darias being found ineffectual, the marechal de Tesse was sent from France to supersede him in the command, but with no better success. The prince of Hesse defended the place with undaunted valor; and after a close investment by sea and land for six months, the siege was finally raised in consequence of the entire defeat of the French squadron, cruising

off the bay under M. de Pointis, by the English admiral sir John Leake.

In Italy, the duke of Savoy had this campaign experienced nothing but disasters. The strong places of Vercelli, Ivrea and Verue successively fell into the hands of the duc de Vendome, after a vigorous and obstinate resistance. The duke complained much of the emperor's failing to make good his promises; but he said, "though he was abandoned by his allies, he would not abandon himself." The fact was, that the Imperial arms were still occupied in an inglorious and pernicious contest with the malcontents of Hungary, headed by the gallant prince Ragotski. Could the emperor have been induced to offer these oppressed and exasperated people reasonable terms of accommodation after his successes in Bavaria, the disorders in Hungary would have been easily and speedily appeased: but the court of Vienna aimed at nothing less than unconditional submission; which the Hungarians well knew was only another term for slaughter, confiscation and ruin. Louis XIV. had also for some years past been engaged with the protestants of the Cevennes in a war almost equally barbarous and impolitic; and one of the ablest of his generals, M. de Villars, was this summer employed, much to the advantage of the allies, in their reduction, which, after the country was converted into a desert, was at length effected on terms which, had they been faithfully adhered to, would have left them at liberty to worship God according to the dictates of their own consciences.

It is now once more necessary to revert to the domestic affairs of Great Britain, and more particularly to those of Scotland, the political situation of that kingdom being at the present period peculiarly critical and interesting. After the recess of parliament in the summer of 1702, various important changes took place favorable to the views of the party which then governed with absolute sway in England.

The

The earls of Marchmont, Melville, Selkirk, Hyndford and Leven were displaced, and the earl of Seafield constituted chancellor, the marquis of Annandale president, the marquis of Athol privy-seal, viscount Tarbat secretary of state : and the parliament being dissolved, and writs issued in the spring of 1703, the duke of Queensberry was appointed lord commissioner. A general proclamation of indemnity having been issued, on the 6th of March, 1703, for all treasons committed previous to the month of April last ; great numbers of jacobites were encouraged to return to Scotland from St. Germaine's and other parts of France, by which means a considerable accession of strength accrued to the malcontent faction, which consisted, nevertheless, of such heterogeneous materials as to render it impossible firmly to unite in any consistent plan of opposition. The parliament met May the 6th, 1703 ; and the lord commissioner read from the throne the queen's letter, recommending liberality in their supplies, prudence and unanimity in their resolves. After which, the duke of Hamilton offered the draught of a Bill, recognising her majesty's Right and Title to the Imperial crown of Scotland ; to which sir James Stuart the lord advocate offered an additional clause, "that it should be treason to question her majesty's right and title to the crown, or her exercise of the government, from her actual entry to the same." This was plainly intended to operate as an authoritative justification of those who had been instrumental in carrying into effect the bold and decisive measures of the last session ; and it was urged by the Hamilton party as the highest indignity to the queen to expose her exercise of the royal power to the least suspicion by such a clause, which after all would afford no security to the *actings of her Ministry*. But the whigs dismissed from office being deeply interested in the business, and joining the court upon this occasion, it was received by a great majority. When the Act of Recognition had passed, the earl of Hume, a late convert to the court,

court, who had qualified only since the death of the late king, rose, and moved the house for a supply; on which the marquis of Tweeddale said, "that he had an overture to make, which he hoped would, by reason of its importance, be preferred to all other business.—This he declared to be for a resolve of parliament, to proceed in the first place to make such conditions and regulations, to take place after the decease of her majesty, as should be necessary for the preservation of the national religion and liberty." After a long and very eager debate, it was ultimately determined, that the overture should have the precedence of the motion. Whereupon the marquis of Athol offered "an Act for the SECURITY OF THE KINGDOM in case of her majesty's decease." After the house had made some progress in considering the clauses of this act, it was suggested to be necessary to rescind the second act of the third parliament of king Charles II. establishing the succession of the crown in the next blood in the royal line, of whatsoever religion—for that, as the law of Scotland then stood, the right of blood, passing over the claims of the court of St. Germaine's, would inhere in the house of Savoy: and the lord advocate presented a Bill ready drawn for rescinding the said Act accordingly. But it was urged that, all popish successors being excluded, they would by this repeal virtually decree the succession to the house of Hanover: and it was ordered to lie on the table. The Act of Security at length passed the house August 13th (1703), notwithstanding all the opposition of the high commissioner and the party who adhered to him in this exigency, by a majority of fifty-nine voices. This famous act contained in substance, that on the 20th day after the queen's decease the estates of parliament should meet; and that in the intermediate time the executive government should devolve on those members who should be resident in Edinburgh—that no foreigner or *Englishman* should be capable of sitting as a member of the assembly of estates; that the nomination of

of a successor should be vested in the assembly or convention—but that the successor so named should not be the successor to the crown of England, unless such conditions of government should be previously settled, as should secure the honor of the kingdom, the independence of the crown, the freedom, frequency and power of parliament, and the religion, liberty, and trade of the Scottish nation, from *English* or foreign influence.

After several weeks of anxious expectation and suspense, the lord commissioner informed the house, “that he was empowered to give the royal assent to all the acts passed during the session EXCEPT THE ACT OF SECURITY. The glowing embers of jealousy and discontent now at once burst into that flame of passion which in all popular assemblies, at times, seems to reduce to one common level the wisdom of the wise and the folly of the foolish. Even previous to the refusal of the commissioner, the temper of the house was sufficiently apparent. The earl of Marchmont, in his great zeal for the protestant interest, having officiously introduced a Bill for settling the succession; no sooner was the name of the princess Sophia mentioned than the house was in an uproar. Some were for calling lord Marchmont to the bar; others, for sending him prisoner to the castle of Edinburgh: the overture was rejected without a vote, and the proposition itself ordered to be expunged from the minutes of parliament. No sooner was it announced that the royal assent would not be given to the Act of Security, than the members broke out into the most violent invectives—branding the servants of the crown as the slaves of the English ministry, and the calumniators of their country. Some even denied that the right of a negative was inherent in the crown. A vote passed declaring void the commission for treating of an union with England. They persisted in their refusal to grant any supply; and the commissioner urging the defenceless state of the kingdom, and the necessity of supplies for *securing* the same,

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he was reminded of the *security* which had been denied to the nation; and the earl of Roxburgh declared without reserve, that if there was no other way of supporting the natural and undeniable privilege of parliament, the friends of their country were resolved to demand justice with their swords in their hands." And the lord commissioner, apprehensive of the safety of his own person, became impatient to put an end to this dangerous and turbulent session; in the varied and lengthened course of which it is remarkable, that, notwithstanding the tory complexion of the administration, very great concessions were made to the whigs, or presbyterian party, in parliament, in order to ensure their support.

On the 1st of June, an "Act for Toleration to all Protestants in the Exercise of Religious Worship," presented by the earl of Strathmore, being read, a strong representation was offered against it in the name and at the appointment of the general assembly, concluding in these words,— "that they were persuaded, that to enact a toleration for those of the episcopal way, WHICH GOD IN HIS INFINITE MERCY AVERT! would be to establish iniquity by a law, and would bring upon the promoters thereof and their families, the dreadful guilt of all those sins and pernicious effects that might ensue thereupon." The episcopalians, whether connected with or in opposition to the court, were equally solicitous at this crisis to avoid giving any cause of offence to the leaders of the presbyterians, who could throw the whole weight of their influence into either scale, and who were no less fearful of opposing on this favorite point the voice of the general assembly. In consequence, therefore, of this miserable and detestable bigotry, the perpetual characteristic of an assembly of priests, the bill was lost—the court possessing too much discretion in the midst of its political difficulties to involve itself in a theological quarrel. But the presbyterians were not content with this odious victory over humanity and justice—for an Act subsequently

quently passed, “ for preserving the true Reformed Protestant Religion, and confirming Presbyterian Church-government and Discipline by Kirk-sessions, Presbyteries, Provincial Synods, and General Assemblies, as agreeable to the Word of God, and the only government of Christ’s Church within this Kingdom.” And in another Act introduced by the duke of Argyle, ratifying the Acts of the former Parliament, it was declared high treason, by writing or speaking, or any other open act or deed, to endeavor to alter or innovate the claim of right or any article thereof—and consequently that which related to the establishment of presbyterian government in Scotland. It was strongly objected, that the import of such a general and peremptory clause would be of most dangerous consequence; that it was calculated to ensnare the subject, and bind up the wisdom of the government and nation itself in all succeeding ages from making such alterations and reformati^ons as in course of time, and by variation of circumstances, should be judged necessary. Moore of Stenywood said “ that the shire of Aberdeen, which he had the honor to represent, was of the episcopal persuasion—and he desired to know whether, in case this act should pass, his countrymen could address the sovereign or parliament for a rectification of the present establishment, without incurring the penalties of high-treason.” To this sir William Hamilton of Whitlow answered, “ that the act in contemplation did not indeed preclude addressing for a toleration; but he acknowledged, if it passed into a law, a declaration that the presbyterian government was wrong, and that episcopacy ought to be restored, would amount to high treason.” The question for approving was at length carried in the affirmative, though sixty members voted against it; amongst whom, it is recorded to their honor, were several presbyterians: whilst on the other hand the ministers and their dependents supported the measure—the lords Athol and Tarbat excepted, who disdained so disgraceful a condescension.

After

After a long and tumultuous session, the lord commissioner, full of chagrin and vexation, adjourned the parliament to the 12th of October (1703). During the recess, the marquis of Athol was created a duke, and viscount Tarbat earl of Cromartie: with a view to prevent their total secession from the court, which thus paid an involuntary homage to their firmness and sincerity. At this period the queen revived the antient order of the Thistle, which king William, regarding such distinctions with indifference or contempt, had suffered to fall into disuse; and the vanity of the Scottish peerage was gratified in a mode which imagination may easily elevate to consequence, and which is at least unexpensive and innocent.

After various prerogations, the parliament of Scotland was again convened at Edinburgh July the 6th, 1704; the marquis of Tweeddale being appointed high commissioner in the room of the duke of Queensberry, whose ambiguous policy had proved so unsuccessful. The royal letter was framed in terms of remarkable temper and ability. "The main thing," said her majesty, "that we recommend to you, and with all the earnestness we are capable of, is the settling of the succession in the protestant line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet and security in all our dominions, and for the reputation of our affairs abroad, and consequently for the strengthening the protestant interest everywhere. This has been our fixed judgment and resolution ever since we came to the crown; and though hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our enemies, that a longer delay of settling the succession in the protestant line may have very dangerous consequences: and a disappointment of it would infallibly make that our kingdom the seat of war, and expose it to devastation and ruin. As to the terms and conditions of government, with regard to the successor, we have empowered our commissioner
to

to give the royal assent to whatever can in reason be demanded, and is in our power to grant, for securing the sovereignty and liberties of that our antient kingdom."

No sooner had the session commenced, than the duke of Hamilton, leader of the jacobite party, presented a resolve, "that this parliament would not proceed to name a successor to the crown until the Scots had a previous treaty with England in relation to commerce and other concerns." This was supported by all the eloquence of the celebrated Fletcher of Saltoun, head of the republicans, who represented with great ardor and animation the hardships and miseries which the Scots had suffered since the union of the two crowns; and the impossibility of meliorating their condition without adopting measures to dissolve a connection which had proved so fatal. The resolution of the duke of Hamilton, modified and combined with a motion of the earl of Rothes, "that the parliament would immediately proceed to make such limitations and conditions as might be judged proper for rectifying the constitution, and vindicating the sovereignty and independency of the nation," was then carried by a great majority. The former Act of Security was immediately and unanimously revived; and a supply granted for two months' cess only, at the end of which term it was well understood that the act must receive the royal assent, or the army be disbanded for want of pay. The former of these unpleasant alternatives being regarded as the least of the two evils, a letter was written to the queen, signed by all the ministers in Scotland, stating and balancing the arguments on both sides, and concluding with their humble advice to pass the Bill. Thus was the lord treasurer Godolphin, on whose counsel the queen relied, reduced to a most perplexing dilemma. He saw that the ill consequences of breaking the army and laying the kingdom open to an invasion, would be imputed to him, if, in contradiction to the opinion of the Scottish ministers, he should advise the queen to reject the Bill. And he well knew the obloquy and

and reproach he should incur in England by advising to pass a Bill of a complexion so dangerous and hostile. Upon the whole, he thought it safest for the queen to conform to the counsels of the Scottish ministry; and orders were accordingly sent to the marquis of Tweeddale, agreeably to the dignified and gracious mode of signifying the royal assent in that kingdom, to touch the act with the sceptre. The supplies were immediately granted, and the lord commissioner hastened to prorogue the Parliament, August the 27th, 1704. After the recess, the marquis of Tweeddale was advanced to the chancellorship; the earl of Rothes appointed lord-privy-seal; the earl of Selkirk brought into the treasury; and various other alterations made, consonant to the ascendancy which the whig interest began at this time to acquire in England.*

The parliament of England being convened October the 29th, 1704, the queen expressed her hope, "that they were come together, disposed to do every thing that was necessary for the effectual prosecution of the war." The adverse disposition of the two houses appeared conspicuous in the different strain of their addresses; the lords passing invidiously over the naval successes of sir George Rooke, the hero of the tories, and the commons affecting to place the successes in the Mediterranean, and the indecisive battle off Malaga, upon a level with the glorious exploits of Schellenburg and Bleinheim.

Notwithstanding all the endeavors of the ministers to engage the high-church party to restrain their zeal, Mr. Bromley in a short time moved the house to bring in a Bill against Occasional Conformity. The courtiers now declared openly against the measure, and Mr. Boyle, chancellor of the exchequer, spoke strenuously in opposition to it: the motion was nevertheless carried in the affirmative, and a bill introduced, framed on principles and enforced by penalties as low and moderate as possible, in order to give it a chance of success.

* Tindal, Burnet, Lockhart, Macpherson, Dalrymple, &c.

success. But the vigorous struggle made against it even in the house of commons, sufficiently indicated the hopelessness of its passing through the lords. It was therefore determined, by the patrons of the measure, to annex it by way of *tack* to the Land-tax Bill. And Mr. Bromley urged, “that the practice of Occasional Conformity was such a scandalous hypocrisy as could be excused upon no pretence whatever—that the church seemed in as much danger from the dissenters at this time, as it was from the papists when the Test Act passed—that the bill in question being so necessary, and having been twice refused in the house of lords, the only way to have it pass, was to tack it to a Money Bill. This,” he said, “was an antient practice, and highly reasonable; for by this expedient, while grievous taxes were laid on the subject for the support of the crown, the crown in return was necessitated to pass such laws as were for the benefit of the people.” A violent debate ensued, and both parties exerted their utmost strength. Those who opposed the *tacking* maintained, that such a practice led to a change of the whole constitution, and was in effect converting the government from a mixed monarchy into a pure democracy—denying both to the lords and to the crown the free use of their negative in the legislature. Upon a division, the *tack* was rejected by a majority of 251 against 134 voices. The bill was therefore in its separate form sent up to the lords December the 14th, 1704, and the next day read for the first time. On the question for the second reading, the queen being present, the old ground was again traversed, and it was at length carried in the negative by 71 to 50 voices, including proxies.

The attention of the house was soon transferred to a subject of much higher importance—the transactions of the Scottish parliament during their last session. And the discontented party, both whigs and tories, were loud in their exclamations against the English ministry, by whose criminal supineness, or perhaps connivance, such fatal measures

fures had been suffered to pass. Lord Haversham, a whig out of place and out of humor, observed, "that, although the succession to the crown in the protestant line was the main thing recommended in the royal letter, yet it was so postponed and baffled that it came to nothing, partly from the weakness of the ministers, and partly from a received opinion that the succession itself was never sincerely and cordially intended. At the opening of the session, the secretary of state had made extraordinary distinctions between the secret and revealed will of the sovereign : and upon the 4th *feberunt*, a motion was made for a Bill of Exclusion—virtually such, though it bore the title of an Act of Security. Is it possible, that those who advised the passing of such a bill could ever be really friends to the protestant settlement ? Who can answer for the consequences of such a state of things ? It is an apophthegm of lord Bacon, ' Let men beware how they neglect or suffer matter of trouble to be prepared, for no man can forbid the sparks that may set all on fire.' Lord Wharton practised on the political terrors of Godolphin, by openly boasting, " that, since the Act of Security passed, he had the treasurer's head in a bag." The earls of Nottingham and Rochester seconded with great energy the censures of lord Haversham. It being said, that the Act of Security was granted to prevent the danger of a rebellion ; a clause was pointed out in the act, by which the Scottish peers and chieftains were authorised to arm and discipline their vassals ; and it was remarked, that, if the Scots had rebelled before the passing of this act, they would have rebelled without the means of supporting their rebellion ; but now they were furnished both with incitement and sanction for resistance. The house appeared much agitated and inflamed ; and though lord Godolphin's friends were too numerous to suffer a direct vote of censure to pass, they agreed to a variety of resolutions, which sufficiently indicated the general resentment and apprehension. " First, that the queen be enabled by act of parliament to nominate

commissioners,

commissioners, the former commission having expired, to treat concerning an union with Scotland. 2dly, That the natives of Scotland should not enjoy the privileges of Englishmen, until an union be effected, or the succession settled as in England. 3dly, That the bringing of cattle from Scotland into England be prevented. 4thly, That the lord-high-admiral be required to issue orders for capturing such Scottish vessels as shall be found trading to the ports of France, or any other of her majesty's enemies. 5thly, That the exportation of English wool into Scotland be prohibited."

Their lordships also presented an address to the queen, desiring that speedy and effectual orders might be given for putting the town of Newcastle in a state of defence, and likewise for securing the port of Tinnmouth, and for repairing the fortifications of Carlisle and Hull. They also besought her majesty to cause the militia of the four northern counties to be disciplined and provided with arms and ammunition, and a competent number of regular troops to be stationed upon the borders. To all these particulars the queen expressed her ready assent; and the course of things seemed rapidly tending to open hostility and war. A bill founded upon the resolutions of the lords being framed, was in a short time sent down to the commons, who, though not less enraged, scrupled to pass it, under the fastidious notion of its being a Money Bill, in consequence of the pecuniary penalties engrafted in it; but they forthwith framed a bill of their own, nearly similar, which they transmitted to the lords:—the chief amendments were the prohibition of Scottish linen into England or Ireland—and the permission to the protestant freeholders of the six northern counties to furnish themselves with arms. The lords passed the bill without delay or difficulty, and on the following Christmas-day, 1705, it was to take effect. Lord Godolphin now found himself in a very critical situation: the Act of Security was to him an act of peril and of danger. On the first passing of it, lord Stair went with all expedition to London,

London, and told the lord-treasurer that he was on the brink of a precipice, and the two countries on that of a civil war. This he now found alarmingly verified; and from this moment, forgetful of his jacobitical principles, he determined to exert himself vigorously and effectually to accomplish the great work of a union of the British kingdoms.

In consequence of an address of the house of commons, beseeching the queen to consider of some proper means to perpetuate the memory of the great services performed by the duke of Marlborough; she declared her resolution to bestow upon his grace the honor of Woodstock, with the parks and manors appertaining thereto, where a magnificent palace was erected at the public expence, to which the name of Bleinheim House was given, in commemoration of the glorious victory gained at that place.

During this session an enquiry took place in the house of lords relative to the mismanagements in the navy and admiralty departments; which were chiefly under the direction of sir George Rooke, an officer of undoubted skill and courage, but strongly attached to the tories, upon which account the house of commons had with a too-partial indulgence passed over all neglects. Twenty-two vessels were employed in cruising with so little success, that three ships, commanded by diligent officers, might have performed more; as was proved by a sort of numerical calculation. Even treachery was suspected; for a French privateer being captured, instructions were found on board, so exactly quadrating with the orders issued by the admiralty, as to preclude the supposition of accidental co-incidence. An elaborate representation was presented by the lords to the queen, on these and other heads of misconduct; and the whig interest having now obtained the ascendancy at court, sir George Rooke, whom the voice of faction had raised to an invidious rivalship with Marlborough, was dismissed from his offices, and sir Cloudesley Shovel appointed to the command of the fleet.

This

This parliament is distinguished in the English annals by the perpetual misunderstandings which prevailed between the two houses. At the last general election, the vote of one Ashby, an inhabitant of the borough of Aylesbury, being rejected by White, the returning officer; he had the spirit and resolution to commence an action at common law against White, for illegally depriving him of his franchise; and obtained a verdict for damages at the ensuing assizes for the county of Bucks. The court of queen's bench, however, being moved to quash all proceeding in this matter, as contrary to the privileges of the house of commons; the three puisne judges were of opinion, "that the verdict could not be sustained." But that great and upright magistrate, lord chief justice Holt, at this time presiding in the court, declared in the most decisive terms, "that the verdict was both legal and just—that, though the house of commons possessed a separate and independent jurisdiction, agreeably to the constitution of parliament, so far as to determine, in case of appeal, which of the different candidates were duly elected; yet, their authority did not supersede the common course of judicial proceedings in the courts sitting at Westminster, which founded their decision on the known laws of the land and the evidence which came regularly and properly before them; and which neither could nor would take cognizance of the proceedings of the house of commons, nor of the grounds of their proceedings. Where a legal right existed, and such," said this able magistrate, "is the franchise of an elector, the law, of which the courts of justice are the sole dispensers, will protect him in the enjoyment of that right. That the house of commons were not competent to decide judicially, though they might be occasionally compelled to exercise their discretion in cases of this nature, evidently appeared from their utter inability to grant redress, whatever might be the magnitude of the injury sustained. If this exorbitant claim were once established, the subject might be deprived

of his dearest right, by the mere arbitrary will and pleasure of the house of commons, the most flagrant abuses of power might be committed with impunity, nay, with applause and triumph, by men holding public offices, who were thus placed beyond the reach of the arm of public justice; and, by a monstrous solecism in legislation and jurisprudence, an acknowledged and invaluable right might be grossly and openly violated, and the injured party remain wholly destitute of any legal or regular means of reparation or redress." The verdict, notwithstanding these cogent reasons, was however reversed: but the cause was by writ of error immediately brought before the house of lords; who, after requiring the opinions of the twelve judges, and debating the matter at great length and with great ability, determined almost unanimously to supersede the judgment pronounced in the queen's bench, and to affirm the verdict originally given at the county assizes.

The house of commons, enraged at these proceedings, declared by a vote of the house, "that Matthew Ashby having, in contempt of the jurisdiction of that house, commenced and prosecuted an action at common law against William White for not receiving his vote at an election for burgesses to serve in parliament for the borough of Aylebury was guilty of an high breach of the privileges of that house—and that all attorneys, solicitors, counsellors, and serjeants at law, soliciting, prosecuting or pleading in any such cause, were guilty of an high breach of the privileges of that house." And they ordered these resolutions, signed by the clerk of the house, to be affixed to Westminster-Hall gate. So far, however, was the intrepid magistrate at the head of the law from being intimidated by this imperious language, that he is said publicly to have declared, "that if any messenger of the house of commons presumed to enter that hall, in order to seize the person of any attorney or pleader by virtue of this warrant, he would immediately commit him to Newgate." The house of lords, on their part,

part, passed votes justificatory of their own conduct; copies of which were transmitted to all sheriffs and borough-reeves throughout the kingdom. The commons, finding the general voice of the people declare strongly in favor of their antagonists, seemed disposed to let it rest in its present state; and the judgment of the lords was duly and regularly executed. Upon which five other inhabitants of the borough of Aylesbury brought their several actions for damages upon the same grounds. This threw the house of commons into a new ferment; and by their own authority they committed these five men to prison, where they lay three months, without however offering to make any submission. After the money bills were passed by the commons, and not till then, a motion being made in the queen's bench, in behalf of the prisoners, for a *habeas corpus*, the puisne judges declared themselves of opinion as before, "that the court could take no cognizance of the matter." But the chief-justice, "a man inflexible to ill, and obstinately just," maintained that a general warrant of commitment for breach of privilege was of the nature of an execution; and as it appeared upon the face of the warrant itself, that the prisoners had been guilty of no legal offence, unless to claim the benefit of the law in opposition to a vote of the house of commons was such, it was his opinion that they ought instantly to be discharged. This opinion, however, not availing in opposition to that of the majority of the bench, the prisoners were remanded; in consequence of which they moved for a writ of error, to bring the matter before the lords. As this, agreeably to the forms of law, could only be obtained by petition to the crown, the commons presented an address to the queen, humbly requesting her majesty, that the writ of error might not be granted; and they also took upon them to affirm, "that in this case no writ of error could lie." To this address the queen with great moderation and prudence replied, "that she hoped never to give her faithful commons any just ground of complaint;

but to obstruct the course of judicial proceedings was a matter of such importance, that she thought it necessary to weigh and consider carefully what it might be proper for her to do." The commons received this answer in sullen silence, and immediately ordered the prisoners to be removed from Newgate into the custody of their serjeant at arms, lest they should be discharged in consequence of the queen's granting a writ of error. They likewise resolved, that the lawyers who had pleaded in behalf of the prisoners on return of the *habeas corpus* were guilty of a breach of privilege; and ordered them to be taken into custody. The lords upon this voted, "that for subjects to claim their just rights in a course of law, was no breach of privilege—that the imprisonment of the men of Aylesbury was contrary to law—and that the writ of error could not be refused, without a violation of *MAGNA CHARTA*." This was followed by an address to the queen, humbly beseeching her majesty to give immediate orders for issuing the writ of error. The judges, moreover, now happily recovering from their terrors, ventured to decide "that a petition for a writ of error was a petition of right, and not of grace." And the queen was pleased in the most condescending terms to reply to this address, "that she would certainly have complied with their lordships' request in regard to the writ of error, but that, as it now became necessary to put an end to the session, she knew it could produce no effect." The lords, considering this as a decided victory, immediately returned their humble thanks to her majesty for this instance of her majesty's regard for the legal and impartial administration of public justice. And the queen that very day, March the 14th, put an end to the session; and on the 5th of April following, 1705, the parliament was dissolved by proclamation. "It was no small blessing," says bishop Burnet, "to the queen and to the nation, that they got well out of such hands." And it must indeed be acknowledged, that the violence and malignity manifested

manifested in their public conduct were productive of much less evil than might reasonably be apprehended.

It is a question of curiosity rather than of utility, how far the lords Godolphin and Marlborough adhered, after their accession to power, to their political attachments in favor of the exiled family. From the æra of the Assassination Plot in 1696, and more especially from the termination of the war by the treaty of Ryswick (A. D. 1697), the correspondence of the jacobite party with the court of St. Germaine's seems almost to have ceased, or where it was continued, to have dwindled into a mere matter of compliment and ceremony. The lords Godolphin and Marlborough were amongst those who did not entirely drop the connection. Very soon after the accession of the queen, lord Caryl, a nobleman occupying a distinguished station at St. Germaine's, in a letter dated April the 26th, 1702, to the sieur Berry, a confidential agent in England, who had free access to those lords, desires "that a fair correspondence with them may be preserved, that so they may have no excuse should they not be just in their engagements when time and opportunity serve." August the 21st, lord Caryl, writing to Berry, says, "Your late conference with Godolphin doth in a good measure clear the suspicion of his and his party's being joined with Hanover."—In December he writes, "that Marlborough as well as Godolphin must necessarily be treated with about this;" *i. e.* the restoration of the king—"and the great question will be, what better security they will or can give for the performance of this new agreement, than they gave for the former, for which we had promises and oaths."—March, 1703, lord Caryl says: "I do not wonder that Marlborough comes so little in your sight; I believe his former engagements, to which you are a witness, so ill performed by him, make his meeting with you uneasy to him."—May, 1704: "Your last gives fair hopes—I rely much upon your judgment in this matter, and shall always hope
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the best, though, to tell you truly, I cannot well see how his promises can be much stronger or more binding now, than they were many years ago, when they proved ineffectual.—If you receive the same satisfaction when you meet with Godolphin, it will give a more promising face to the business ; for that *partner* is not so free of his promises as Marlborough has been, and consequently not so much to be suspected of non-performance.”—July, 1704 : Concerning Marlborough we need say no more—but respite our judgment till we see farther proceedings of him and his.—Some prognostic may be made of what we can expect, by the countenance and expressions of Godolphin when you next meet him—If they are any thing of a piece with what Marlborough hath said to you, we may hope well of him ; but if you find him in his noted sourness and dryness, we may conclude the words of his *partner* are but words.” And, not to multiply quotations, in his letter of April the 25th following, 1705, he writes thus :—“ What you say to me concerning what passed in your last meeting with Marlborough, though it be but a repetition of what I formerly heard, I confess is very surprising ; for very few men will lie only for lying’s sake.—It would be very strange if he should make such promises and protestations without performing them. On the other side, words are but wind, when they are not followed by deeds—According to all outward appearances, he and his *partners* drive on violently for the interest of Hanover.”*

Upon the whole, if lord Godolphin was less lavish of his protestations than Marlborough, the reality of his attachment appears to have been proportionably greater. He perhaps thought that the kingdom would never attain to any permanent settlement without a restoration of the banished family ;

* Macpherson’s Papers, vol. i. It must be remarked, that the names in the original letters are varied and fictitious, though fixed, by the sense and connection, beyond all possibility of doubt or dispute.

family ; and he would readily and even joyfully have concurred in any rational scheme for the accomplishment of that event. But his clear and excellent understanding prevented his embarking in any wild or romantic projects. He suffered himself to be guided and influenced by the course of events, and he would neither risque his own safety, nor sacrifice the actual peace and prosperity of the kingdom, in the pursuit of a remote and chimerical object. As to the earl of Marlborough, candour itself must acknowledge he was apparently governed by motives almost wholly selfish and ambitious.

During the political conflicts which agitated the Scottish parliament, the intrigues of the court of St. Germaine's with the leaders of the malcontents were carefully kept up. In a draught of instructions for captain Murray, a dextrous agent of the exiled family, going in the spring of 1703 into Scotland, he is ordered to assure the duke of Hamilton of the great sense entertained of his services, and to desire him and his friends to use all their credit in opposing " Abjuration, Hanover, and Union ;" which last is styled " a mere trick to delude and engage them to perpetuate an usurpation, and all the miseries that attended such a manifest injustice." On the return of Murray from Scotland in the succeeding year, he represented in a memorial addressed to the queen Regent the great things that had been done in consequence of his mission. " It was," as he boasts, " by means of the instructions transmitted by him, that the power which had been given to the commissioners to treat about the union was declared to be expired, that the Hanoverian succession was rejected, and that the Bill for the Abjuration was not even proposed in parliament.--- He declares that the duke of Hamilton had so far engaged the lords Athol, Tarbat, and Seafield in his measures, that they resolved to represent to the princess of Denmark the necessity of yielding these three points ; after which it was not doubted but she might be prevailed upon in due time to

to make some treaty in favor of the king her brother—or, if she persisted in her refusal, there was room to believe that the country party would make some declaration, or undertake some enterprise, in favor of *his Britannic majesty*.—He reports also to the queen a demand of the duke of Hamilton for the sum of 25,000*l.* to enable him to maintain his credit and strengthen his party.” By authentic documents it appears that the duke of Gordon, the marquis of Montrose, the earls of Errol, Marischal, Moray, Hume, &c. &c. were ready, whenever called upon, to rise in arms, upon condition of being assisted by 5000 regular troops from France. All the opposition to be met with in England, as they affirmed, would be a few new-raised troops dispersed in distant forts, with a weak princess, a very timid minister, and a very mercenary general; who might then think of performing their promises, in order to deserve their pardon.”* Well apprised doubtless of these machinations, lord Godolphin could no longer preserve an ambiguous or neutral conduct. He was compelled to take a decisive part in opposition to them by every motive of private interest and public safety, and, by accomplishing the union of the two kingdoms, for ever to extinguish the hopes of that unfortunate family, by whose partiality from an obscure origin he had attained to his present exalted height of power and greatness.

Early in April, 1705, the duke of Marlborough again passed into Holland. He had now formed a real intention to execute the project respecting which the French was so needlessly apprehensive the preceding year, viz. to penetrate into France on the side of the Moselle. Prince Louis of Baden, who commanded the army of the empire, and upon whose co-operation the success of the project depended, on being consulted in the winter, expressed his entire approbation of it. But when all things were in readiness for opening the campaign, he sent an express to the

* Macpherson's Papers, vol. i. p. 666—682.

the duke, signifying his inability, on account of ill health and the weakness of his army, to fulfil his engagements. The English commander, who had already begun his march, proceeded in person as far as Rastadt in order to confer with the prince, who at length and with much difficulty consented to resume the original plan of operations. M. Villars, who commanded the French army on the Moselle, at the approach of the allies encamped in an inaccessible situation at Conings-macheren, leaving by this means the way open to Saar Louis, which the duke proposed to besiege. But after waiting in vain several successive weeks for the expected junction of the Germans, his grace received advice that the prince of Baden was gone much indisposed to the baths of Schwalbach, and that neither horses nor artillery were provided. At the same time he had intelligence of the loss of Huy, and that the elector of Bavaria and M. Villeroy had actually invested the city of Liege. The duke, perceiving his schemes thus rendered abortive; resolved in a council of war immediately to march back to the Maese, not without strong expressions of resentment against the prince of Baden, who was believed to view the glorious successes of the duke in the last campaign with malignant and envious eyes, and whose conduct was such as even to expose him to the suspicion and imputation of treachery—though probably without any just foundation.

On the arrival of the English general, the face of affairs was immediately changed in the Netherlands. He not only compelled the enemy to raise the siege of Liege, and with little difficulty re-captured Huy; but attacking the French, who had retired within their lines, forced them in their entrenchments near Tirlemont, with the greatest vigor and success. But the marechal retreating to the strong camp of Parke near Louvaine, the field-deputies of the states positively refused to concur with the proposal of the duke to hazard a general engagement with the enemy occupying

occupying that advantageous position. On which his grace wrote a warm expostulatory letter to their high-mightinesses, complaining how much less he found his authority in Flanders, than when he had the honor of commanding their troops the last year in Germany. In consequence of this remonstrance, general Schlangenburg, to whose advice the refractory conduct of the field-deputies was attributed, received his dismissal from the service. The projects of the duke being thus defeated both in Germany and Flanders, he was obliged to content himself with the conquest of the petty fortrefs of Sout Leuwe, situated in a morass contiguous to the river Gheer, and Santvliet a place in Flanders of no great consequence. In the mean time the elector of Bavaria surpris'd and carried by a *coup de main* the town of Diest—making the garrison prisoners of war; and thus ended the campaign in the Netherlands.

The operations on the Moselle and the Rhine after the retreat of the duke of Marlborough, were of inconsiderable moment. M. Villars, on the one hand, made himself master of Croon Weissenburg, and Homburg; which the prince of Baden, on the other, revenged by passing the Rhine and forcing the posts of Drusenheim and Haguenau in Alsace; which enabled the Germans to secure their quarters, during the winter, on the French side of the Rhine.

In the month of May this year, 1705, died the emperor Leopold, who had experienced, during his long reign, very frequent and wonderful vicissitudes of fortune. He was succeeded by his son Joseph king of the Romans, who inherited, with the Imperial diadem, all his father's weakness, pride, bigotry, and hatred of heresy. The duke of Marlborough, with whom the new emperor declared himself desirous to confer, arrived at Vienna November 12, 1705, where he was received with the highest distinction, and invested with the high dignity of a prince of the empire—the lordship of Mindelheim, in the Circle of Suabia, being erected

erected into a principality, and assigned to him in reward of his great services. He then visited the courts of Berlin and Hanover, as in the preceding year, and arrived in London on the 30th of December, 1705.

Prince Eugene, who commanded this year in Italy, had to encounter with great difficulties from the congenial talents and superior force of his antagonist the duc de Vendôme. A well-fought but indecisive engagement took place between these great generals at Cusano, where the prince had indeed the honor of keeping the field, but M. Vendôme seemed to reap the fruit of the battle. Nice was reduced by the end of the year, and the duke of Savoy had now no considerable places remaining to him but Coni and Turin; and his resolution to adhere to the grand alliance in defiance of fortune, seemed, to the astonishment of all who recollected his former versatility, not only unshaken but dignified and heroic.

The campaign in Portugal had an auspicious commencement: for, the siege and vigorous defence of Gibraltar causing a great diversion of the Spanish arms, afforded the Portuguese an opportunity of penetrating the Spanish frontier; and something of the spirit of enterprise appeared notwithstanding the indisposition of the king; during which the queen of England, dowager of Charles II. who had returned to Portugal soon after the Revolution, was entrusted with the Regency of the kingdom. The allied troops, under the conde das Galveas and the earl of Galway, taking the field in the month of April, 1705, reduced the towns of Alcantara and Albuquerque on the side of Alentejo; and on that of Beira, the marquis das Minas besieged and captured the town of Salva-terra, and plundered and destroyed Sarca, which was abandoned by the enemy at his approach; after which both armies during the summer heats went into quarters of refreshment. In the beginning of October the combined armies, again taking the field under the same commanders, invested with their joint forces
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the city of Badajoz, the siege of which was for some time carried on with every appearance of success. But, on the 11th of October, a bomb, unfortunately falling on one of the batteries, blew up the magazine of powder, with several of the gunners. And as, according to the vulgar observation, misfortunes rarely come single, the earl of Galway, hastening to the spot to give the necessary directions, exposed himself to the fire of a fort, a random shot from which struck off his right hand somewhat above the wrist. The earl being compelled to quit the camp, the conduct of the siege was entrusted to baron Fagel, the general of the Dutch troops. But in a short time marechal de Tessé appearing unexpectedly at the head of a considerable body of forces, the confederates thought proper to raise the siege, not without some degree of precipitation and loss.

Towards the end of June, the English fleet, with a large reinforcement of troops on board, under the command of sir Cloudesley Shovel and the earl of Peterborough, had arrived at Lisbon; and the prince of Hesse, who on the relief of Gibraltar had repaired also to that metropolis, giving to the archduke, styling himself king Charles III. the most positive assurances of the favorable disposition of Catalonia and Valencia, and being strongly seconded by the earl of Peterborough, a man of great but eccentric talents, who was actuated by the spirit of wild and romantic adventure, the archduke declared his resolution to try his fortune in that part of Spain. The whole armament, having on board nineteen battalions of infantry and 1300 horse, with a good train of artillery, arrived in the bay of Barcelona August 22, 1705, where a landing was effected amid the acclamation of the Catalans. A determination was taken in a council of war, immediately to lay siege to the city of Barcelona, though defended by a numerous garrison, and the force of the allies was to appearance utterly inadequate to so hazardous an enterprise. But the principal dependance was on the known disaffection of the inhabitants to the
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existing government. Deserters came daily from the town, who brought them much useful intelligence : the most important article was, that fort Monjuic, a castle of great strength, situated on the heights which in a great measure commanded the town, was very ill guarded, under the idea that it was in no danger of attack. A resolution was immediately taken to attempt it by a *coup de main*. The prince of Hesse and the earl of Peterborough, putting themselves at the head of a chosen body of troops, after a nocturnal and circuitous march attained to the summit of the hill at break of day, September the 7th. At the first onset the prince of Hesse, an officer of extraordinary military skill and gallantry, fell mortally wounded. But the earl continued the assault with little prospect of success, till, the magazine of powder by some accident suddenly blowing up, the governor in consternation surrendered the fort. The city was now attacked with great advantage and increase of vigor on the part of the besiegers ; and on the 9th of October the governor, don Francisco de Velasco, consented to capitulate ; and the garrison was allowed to march out with all the honors of war.

No sooner was the surrender of Barcelona known, than the whole province of Catalonia, the town of Roses excepted, declared in favor of king Charles III. The kingdom of Valencia, including its capital of the same name, rapidly followed the example of Catalonia ; Alicant alone retaining its allegiance to king Philip : and the victors stood astonished at their own extraordinary and unexpected success. But the conde de las Torres, a Spanish officer of great merit, entering Valencia at the head of a considerable army, the kingdom seemed in danger of being lost as quickly as it was won. The earl of Peterborough, marching to its relief with a very inferior force, raised the siege of St. Mattheo in eight days from his departure from Barcelona, though above thirty leagues distant, distinguishing himself by a series of the most daring and heroic actions ; and
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after surmounting innumerable difficulties, and sustaining incredible fatigues, he at length made a triumphant entry into Valencia.

The new parliament met at Westminster October the 25, 1705. Of 513 members, 457 were present at the choice of a Speaker. The court declared for Mr. Smith, who had occupied the post of chancellor of the exchequer in the late reign, a man of excellent understanding, of considerable parliamentary talents, and of great integrity and moderation. The tories, now in avowed opposition to court, nominated Mr. Bromley, member for the university of Oxford. On the division, Mr. Smith carried it by 250 to 207 voices—so that it clearly appeared, to the great joy of the nation in general, that a whig parliament was elected. Some months previous to the meeting of the new parliament, the duke of Buckingham was dismissed from his office of lord-privy-seal, which was conferred upon the duke of Newcastle; and more recently the great seal was taken from sir Nathan Wright, lord-keeper, and given under the same appellation to William Cowper, soon after created lord Cowper—a lawyer very eminent in his profession, an eloquent and graceful orator, and zealously attached to the whig principles of 1688. The speech from the throne, ascribed to the new lord-keeper, was much admired, and breathed the genuine spirit of liberty as modified by the opinions and prejudices of the times. The queen declared her persuasion that the two houses were convinced of the necessity of prosecuting the just war in which they were engaged. She declared, “that nothing could be more evident than that, if the French king continued master of the Spanish monarchy, the balance of power in Europe would be utterly destroyed—and she affirmed there was great ground to hope that, by the blessing of God, a good foundation was laid for its restoration to the house of Austria. She avowed her intention of appointing commissioners to treat of a union between the two kingdoms, agreeably to the

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the powers vested in her by the parliaments of England and Scotland. But she said, there was another union which she thought herself obliged to recommend in the most earnest and affectionate manner—an union of minds and affections amongst ourselves. She could not but with grief observe, there were those who endeavored to foment animosities, and some who were even malicious enough to suggest that the church was in danger ; and she pronounced such persons to be enemies to her and the nation, and that they could only mean to cover designs which they dared not publicly to own. She concluded with expressing her firm resolution, affectionately to support the church by law established, and inviolably to maintain the Toleration—using all her endeavors to promote the ease and safety of her subjects, and to make them a flourishing and happy people.” The addresses were in the highest strain of loyalty and whiggism ; and the tories, enraged to see the queen withdrawing from them her confidence and favor, and the principles of whiggism becoming thus prevalent and popular, determined to conform themselves to the times, and to outdo the whigs themselves in their zeal for liberty and protestantism.

On the 15th of November, the lords being in a committee on the state of the nation, lord Haversham, after a long speech expressive of his anxious concern for the safety of the queen, the preservation of the constitution, and the security of the church, moved, “ that an humble address be presented to her majesty, that her majesty will be graciously pleased to invite the presumptive heir to the crown of England according to the acts of parliament made for settling the succession to the crown in the protestant line, into this kingdom, to reside here.” This was strongly supported with great plausibility of argument by the duke of Buckingham, and the earls of Nottingham and Rochester. They urged, “ that they had sworn to maintain the succession ; and there were no means so sure to effect it,

it, as to have the successor upon the spot ready to assert and defend his right. It appeared through our whole history, that, in case of competition, whoever came first into England had always carried it.—And it was affirmed, that if the archduke had been resident in Spain at the demise of the late king, the present war would in all probability never have existed.” By this motion the tory party fancied they had reduced the whigs to an exquisite dilemma. If they opposed the motion, they would essentially injure their reputation in the view of the nation at large, and of the electoral family in particular. If they acquiesced in it, they would lose the favor of the queen. But they extricated themselves from this embarrassment with great dexterity and felicity. They represented in forcible language the inconveniences and jealousies which would arise from a rivalry between the two courts; and they asserted the propriety of keeping the successor in a state of dependence upon the reigning sovereign. The earl of Wharton declared, “that he had ever looked upon the protestant succession as essential to the national liberty and happiness; and it was to him a subject of deep regret, that there were so many who appeared to think differently. He had lately heard with an emotion of delight the queen recommend from the throne union and agreement to all her subjects. It was now evident that there was a divinity about her when she spoke. The cause was certainly supernatural, for we saw the miracle that was wrought by it. Now all were for the protestant succession. He rejoiced in their conversion, and confessed it was a miracle. Like most other new converts, however, their zeal far exceeded their judgment and discretion. He commended the warmth they had displayed, though he could not adopt the proposition they had offered.” In lieu of a measure so replete with mischief and danger, his lordship moved for a bill establishing an eventual Council of Regency, which should be empowered to act on the demise of the queen, previous to the
arrival

arrival of the successor. And the archbishop of Canterbury, the lord chancellor or keeper, the lord president, the lord treasurer, the lord privy seal, the lord high admiral and the lord chief justice of England, for the time being, were nominated for that high trust. Besides these, the successor was authorised, by a clause of the bill, to send over an instrument sealed up, containing the names of such persons as he thought proper to join in the same trust as Co-regents. This bill was received with great applause, and soon passed, with a trifling and disgraceful opposition from the rival faction, into a law, to the great chagrin of the tories, who found not only their own schemes entirely disconcerted, but that the whigs had taken the advantage of them to raise their credit not only with the queen, but with the public, and even with the electoral family ; who by another act were endowed with all the privileges of naturalization, rendered yet more valuable, or at least more honorable, by the singular distinction of its extending to all the descendants of the princess Sophia wheresoever born.

The queen was in person present at the debate, and expressed great indignation and amazement at the arguments made use of by the tory lords—who treated her royal person and authority with very little appearance of respect—the duke of Buckingham even supposing the case of her falling into a state of idiotism and dotage. It was upon this occasion, as the duchess of Marlborough informs us, that the queen gave the first indications of any thing like a real reconciliation to the whigs. “ I believe,” said the queen in a letter to the duchess, “ that dear *Mrs. Freeman* and I shall not disagree as we have formerly done : for I am sensible of the services those people have done me that you have a good opinion of, and will countenance them ; and am thoroughly convinced of the malice and insolence of them that you have always been speaking against.” And at this time it was that the queen authorised lord Godolphin to give assurances to the chief leaders of the whigs

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that she would put herself and her affairs into such hands as they should approve.*

It appears that the princess Sophia, now 75 years of age, but unimpaired in health, vivacity and intellect, would have had no objection to accept an invitation from the English nation to fix her residence in England—in which case it was understood that a royal appanage, and the title of *princess* of Wales, would have been conferred upon her. The earl of Halifax being sent to Hanover with the two acts of Regency and Naturalization, the duke of Marlborough, and the lords Cowper and Somers, &c. wrote letters to the electoral court, in vindication of their late conduct, which appear to have given complete satisfaction. The electress declared herself “*charmed* to see the respect and affection shewn by the parliament to her majesty.” And lord Somers very properly suggested, “that if the invitation had been assented to with reluctance on the part of the queen, it might have given rise to unkindnesses which in the end might have proved very fatal.”

The queen having laid before the two houses the addresses of the Scottish parliament, expressive of their resolution not to enter into any negotiation respecting a union with England, until the Act declaring them aliens, &c. should be repealed; a motion for that purpose was accordingly made, and unanimously acceded to; and the way was now clear for opening a treaty as soon as the session of parliament should terminate.

Much having been said in the late debates relative to the *danger of the church*, which was used by the tories as the watch-word of the party, by which they strove in this decline of their influence and popularity to awaken the fears and excite the passions of the people; lord Halifax moved to appoint a day to enquire into the grounds of this pretended danger—when a most vehement debate took place. The earl of Rochester affirmed, that the danger of the church

* Conduct of the duchess of Marlborough.

church arose from three causes : 1st, the Act of Security, by which Scotland, where presbytery was established without a Toleration, was rendered very formidable and dangerous. 2dly, the protestant heir not being resident in the kingdom—and 3dly, the not passing the 'Occasional Conformity Bill. To this lord Halifax replied, " that the Act of Security in Scotland was a rational thing, wholly foreign to church affairs—that, however inimical the church or the kingdom of Scotland might be supposed, England was at all times able to defend herself ; and at present more so than at any former period—the strength of England having increased since the union of the two crowns, much more in proportion than that of Scotland ; but that, by God's blessing, an entire union of the British nations was soon likely to put an end to this source of danger. As to the house of Hanover, he said that was a danger but of eight days standing ; for a fortnight ago no one dreamed that the absence of the princess Sophia was cause of danger to the church. With regard to the Occasional Conformity Bill, that matter had been recently canvassed, and the opinion of the house was already formed, that such a bill would not prove of any advantage or security to the church, but rather the reverse. Upon the whole, his lordship admitted that there had been times within their memory when the church might be said to be in danger :—that king Charles II. was strongly suspected, and his successor was publicly known to be a papist ; and yet the church did not then appear to be apprehensive of danger. On the contrary, those patriots who endeavored to keep out a popish successor were persecuted and punished. Nay, when that successor came to the crown, and the clergy were menaced with the terrors of the high commission, the noble lord who now trembled for the safety of the church was so far from being then alarmed, that he sat as one of the judges in that very court. But when king William, the great champion of the protestant religion, acceded to the crown, the cry of the church's

danger began—upon what ground it was hard to say. The clamor had subsided for a time in the early part of the queen's reign; but, on some changes taking place in the ministry, it was anew vociferated that the church was in danger—an assertion as contrary to decency as to truth." On a division, it was carried by a majority of sixty-one to thirty voices, "that the church of England, as by law established, which was rescued from the extremest danger by king William III. of glorious memory, is now in a most safe and flourishing condition, &c." And the resolution of the lords being agreed to by the commons on a division of 212 to 160 voices, an address to the same effect was presented to the queen, who declared her satisfaction to find both houses so ready to join with her in putting a stop to these malicious reports.

The upper house of convocation having at the same time prepared an address to the throne in terms of loyal affection, and expressing their indignation at the suggestion that the church was in danger under her majesty's administration; the lower house refused either to concur, or to state their exceptions. Much wrangling altercation ensued, which terminated in a secession of about one-third of the members of the lower house. At length the queen sent a letter to the archbishop, dated February the 25th, 1706, in which she expressed her surprise that the differences in convocation were still kept up—and intimated her dislike of divisions and innovations. She declared her resolution to maintain her supremacy; and the due subordination of presbyters to bishops as a fundamental part of the ecclesiastical constitution; and she required the archbishop, after communicating this resolution to the bishops and clergy, to prorogue the convocation to such time as appeared most convenient. This letter was listened to with the utmost chagrin by the high-church party, who submitted to the prorogation with great resentment and reluctance; as a violation of their pretended right to continue their sittings during the session
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of parliament. The grievance, fortunately, was of short duration. On the 19th of March the queen came to the house of peers, and with many gracious expressions of regard put an end to the session.

According to the powers vested in the queen by the parliaments of England and Scotland, she once more appointed commissioners on each side to treat upon the great business of the union of the kingdoms, who met for the first time on the 16th of April, 1706, at Whitehall. The Scottish commissioners had entertained the idea of a federal union, like that of the United Provinces, or of the Cantons of Switzerland. But the English resolved to lose no time in the examining or discussing that project, having previously and wisely determined to treat only concerning an Incorporating Union, which should put an end to all distinctions, and consolidate all national interests. In the progress of the negotiation, the queen twice made her personal appearance amongst them, in order to urge and exhort the speedy conclusion of the treaty. On the 23d of July, 1706, the articles of the Union being fully completed and agreed upon, were in form presented to the queen, at which she expressed the highest satisfaction—declaring, that she should look upon it as a particular happiness, if so great an event could be accomplished in her reign.

It was generally believed that lord Somers had the chief share in framing this famous treaty, which was in many respects highly advantageous to Scotland, though in some points it seemed to derogate from her national dignity and independence. When four shillings in the pound land-tax, amounting to the sum of two millions, were levied in England, Scotland was to be assessed at the rate of 48,000*l.* only. On the other hand, the peerage of Scotland were divested of their privilege of sitting as lords of parliament, and the whole body was in future to be represented by sixteen peers elected by themselves; and the commons by forty-five members chosen by the country. Scotland was rendered
liable

liable to the same duties of custom and excise with England; and a part of these being mortgaged for the payment of the principal or interest of the public debt of England, the sum of 398,000*l.* was paid to Scotland as an equivalent for her share of the same, to be applied to a re-coinage of the public monies, to the payment of the Scottish national debt, to indemnifying the Darien company for their losses, in consideration of the dissolution of the same, and the encouragement of the infant manufactures of the kingdom. Trade was to be free all over the island, and to the plantations; private rights were to be preserved; and the judicatories and laws of Scotland were to be continued. Finally, the two nations were to the end of time to constitute one kingdom, under the same succession to the crown, and united under one legislature. There was no provision in the treaty respecting religion—agreeably to an express limitation in the powers granted to the commissioners by the parliaments of both kingdoms. These were the chief and leading articles of this memorable treaty—the first of the kind recorded in history; “for there never was at any time or in any place an example of two sovereign kingdoms *incorporating* themselves in such a manner.” These are the words of lord Halifax, in a letter addressed to the court of Hanover on this welcome and interesting occasion. It now remained for the discussion and ratification of the two legislatures.

The summer of the year 1705 being, upon the whole, favorable to the arms of France, the court of Versailles was emboldened at the opening of the present campaign to resume her antient spirit of military enterprise; and orders were sent to M. Villeroy to act upon the offensive, and risk a general engagement. In consequence of these injunctions, the French commander passed the Deule, behind which his army lay strongly entrenched, and took a secure post at Tirlemont; not content with which, he advanced the next day, being Whitsunday, to Ramillies, where he unexpectedly found

found his farther progress stopped by the English general. According to every existing account, both of friends and foes, and particularly of M. Feuquieres, that great authority on military subjects, the disposition of M. Villeroi on this occasion was grossly deficient in skill and judgment. The village of Ramillies, into which was thrown a great body of troops, fronted the centre of the French infantry; but without any precautions of defence, and at such a distance from the line as to render it incapable of support. The left wing, composed of cavalry, was covered by the Gheet and the impassable marshes that bounded it: the troops, therefore, could neither charge the enemy, nor be charged by them. The right extended to the village of Tanieres on the banks of the Meuse, and ought to have been supported by it; but the village itself was guarded by one regiment only of dragoons. The baggage, instead of being removed to the rear, was heaped between the two lines, and materially embarrassed their motions. The duke of Marlborough discerned with the eye of a great commander the manifold and palpable errors of his adversary. Perceiving the left wing of the French army rendered useless, he detached a very large proportion of his right to reinforce his centre and left, where the stress of the battle must necessarily lie. During this grand movement, M. Villeroi was urged to adjust his order of battle to that which he saw the enemy forming; but no instances could prevail upon him to vary his first disposition, though five hours were employed in the necessary evolutions on the part of the allies. The event was such as might be expected from such a combination of obstinacy and presumption. The troops, having no confidence in their general, and overpowered by numbers, displayed no marks of spirit or courage. In a short time all was rout and consternation, and a most complete victory was obtained with inconsiderable loss. The duke of Marlborough was nevertheless exposed to the utmost personal danger, being thrown with violence from

from his horse while charging at the head of his squadrons, and with difficulty rescued from the enemy ; after which, a cannon-ball took off the head of colonel Bringfield, his gentleman of the horse, as he was holding the duke's stirrup to remount. The defeat of M. Villeroi was equally disgraceful and disastrous. He lost his whole train of artillery, most of his baggage, 120 standards, and about 18 or 20,000 men killed, wounded, prisoners or deserters. The marechal and the elector of Bavaria, who was present in the action, with the broken remains of their army continued their precipitate flight beyond the Deule till they reached Louvaine ; where having held by torch-light in the market-place a council of war, they resolved to abandon that place, and retire towards Brussels. The consternation occasioned by this great victory extended itself even to Paris. The duc de Vendome was in haste recalled from Italy to take the command of the army in Flanders ; and M. Villeroi, on his subsequent arrival at Versailles, expected to be received with resentment and reproach : but Louis, with whom the marechal had ever been a personal favorite, gave him a cordial and gracious welcome, saying only in reference to the late event, " Fortune, you know, M. le Duc, is a female ; and you and I are now too old to expect her favors."

The battle of Ramillies was followed by a general revolution in the Low Countries. Louvaine, Mechlin, Brussels, Antwerp, Ghent and Bruges submitted without resistance. Ostend, Menin, Dendermond and Aeth surrendered almost as soon as they were summoned : the duc de Vendome not being sufficiently in force to attempt the relief of any of these places.

Pursuant to the general plan of vigorous offensive war concerted between the courts of Versailles and Madrid, king Philip assembled a great army early in the spring, with which, being joined by the French auxiliaries under M. de Tessé, he appeared suddenly before Barcelona, where the
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rival monarch kept his court, and in a short time formed the investment of that important place by land, while the count de Toulouse blockaded it by sea. The earl of Peterborough, who flew from Valencia to its relief, made incredible efforts to save this capital. He maintained his post upon the hills for a considerable time with about 2500 men, never above a league or two from the enemy, whom he kept in perpetual alarm. But this was merely the irregular warfare of a daring partisan; and all his exertions would have been found ultimately unavailing, had it not been for the critical arrival of the English fleet under sir John Leake, May the 8th, 1706, on the first appearance of which the count de Toulouse retired to Toulon: and M. de Tessé, raising the siege in much disorder, retreated with his dispirited and well-nigh ruined army beyond the mountains. An almost total eclipse of the sun, which happened on that day, afforded occasion for much sarcastic and much superstitious reflection—the sun being the chosen device of the French monarch, whose ostentatious motto was “*Nec pluribus impar.*”

The earl of Peterborough now urged the necessity of immediately proceeding to Madrid, in order to form a junction with the Portuguese army under the marquis Das Minas and the earl of Galway, who finding, in the absence of the king and his brave Castilians, few obstacles in their way from the small force left under the duke of Berwick, after capturing the towns of Alcantara and Ciudad Rodrigo, had marched to that capital, of which on the 24th of June they took quiet and peaceable possession. The decisive counsels of the English general, happily for Spain, were disregarded by the archduke. For reasons which doubtless appeared to him very important, though it is now difficult to ascertain them with precision, Charles lingered near three months in Catalonia and Arragon—thus allowing his rival full time to recruit his shattered forces, and to receive additional succors from France. And on his re-approach to the capital,
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the Portuguese army, dispirited by inaction, suspense and disappointment, retreated towards Arragon, where they at length formed a tardy and ineffectual junction with the Imperialists. The earl of Peterborough, enraged to perceive his expostulations fruitless, and the golden opportunity lost, and resolving not to act in subordination to the earl of Galway, withdrew from the camp in high disgust, and without leave sailed in one of the queen's ships for Genoa; his pride and insolence causing his absence, notwithstanding the acknowledged greatness of his talents, to be very little regretted. The chief reason assigned for the fatal lapse of time during the weeks wasted at Saragossa, was the inability of his majesty to make his public entry into Madrid with the requisite magnificence; to which general Stanhope, as we are told, with warmth replied, "that king William, when he made his descent upon England, went to London attended only by a few dragoons, otherwise he had lost his crown." The success of the campaign, however, upon the whole was splendid. At the commencement of it, king Charles was closely besieged in Barcelona, and in imminent danger of being made a prisoner; but it terminated in the recovery of Catalonia, the security of Valencia, and the reduction of Arragon.

During this fortunate year the success of the allied arms in Italy was scarcely inferior to the uninterrupted series of triumphs they had experienced in Flanders. The duke of Savoy, who had acceded to the grand alliance in the expectation of being powerfully supported by the emperor, seemed abandoned to his fate, which his resolution and courage served only to protract, but could not avert. Overpowered by the superior force and great military talents of his antagonist, he was at length reduced to take refuge in his capital of Turin, where, on the recall of the fluc de Vendome, he was closely besieged by the French army under marechal de Marfin. The Imperial court, determining to make one grand effort effectually to aid the duke of Savoy in

in this extremity, directed prince Eugene at the head of a powerful army to march to the relief of Turin. With such ability and such success did that celebrated commander execute this important commission, that, after surmounting all the numerous difficulties which obstructed his junction with the duke, he attacked the French army in their entrenchments before Turin, and gained a most glorious and decisive victory—the unfortunate marshal Marsin falling in the action. And this event was quickly followed by the final expulsion of the French from Lombardy.

On the banks of the Rhine alone, where M. Villars commanded with superior strength against the prince of Baden, did Fortune seem disposed to be more favorable to France. But the French general being compelled to send large reinforcements to the duc de Vendome after the battle of Ramillies, the Circles of Suabia and Franconia were by this revulsion of his forces relieved from their terrors of pillage and contribution.

In the autumn of the present year advances were made on the part of the king of France, amazed and confounded at such unheard-of misfortunes for obtaining peace. The elector of Bavaria wrote, by his direction, a letter to the duke of Marlborough, proposing conferences to be held for that purpose, at some spot between the two camps, and, after the separation of the two armies, at any place between Mons and Brussels; “In which,” says his electoral highness, “you, sir, with whom the interests of England are so safely entrusted, the deputies which the states shall please to nominate, and the persons whom the king of France shall empower, may begin to treat upon so important an affair.” The duke, after transmitting this letter to England, signified in terms of great coldness and haughtiness, “that he was commanded by the queen his mistress to declare, the way of conferences proposed by the elector, without more particular declarations on the part of his most christian majesty, does not seem proper for obtaining a truly

truly solid and lasting peace." The states-general likewise expressed their concurrence in the same sentiments. Anxious to enter into a negotiation, the king of France next applied to the pope to interpose his good offices, and left it to the arbitration of his holiness to satisfy the rights and demands of the emperor—specifically offering the Milanese, Naples, Sicily, and Sardinia, with a barrier for Holland; all which propositions were refused with disdain by the court of Vienna, which insisted on nothing less than the dethronement of Philip, and the renunciation of the whole Spanish monarchy.

The domestic affairs of Great Britain still continued in a situation truly critical. On the 3d of October, 1706, the parliament of Scotland was convened for the last time at Edinburgh, the duke of Queensberry opening the session as high-commissioner with unusual state and magnificence. The queen's letter contained the interesting information that the articles of the treaty of union were agreed upon by the commissioners appointed for that purpose, and recommended their adoption in the strongest terms that language could afford, "as the only effectual way to secure their present and future happiness, and to disappoint the designs of her and their enemies, who would doubtless on this occasion use their utmost endeavors to prevent or delay this union, which must so much contribute to her glory and the happiness of her people."

Undoubtedly the accomplishment of this treaty was the final and death-blow to the hopes of the court of St. Germaine's: yet still the fond and delusive idea was cherished, that the English ministers entertained amicable intentions respecting the exiled family. Lord Caryl, a nobleman who with very inferior talents seems to have superseded the earl of Middleton, now aged and infirm, in the chief direction of affairs, expresses himself, July 1706, "glad at heart" on receiving the intelligence transmitted to him respecting "the good humor and fair professions of lord Godolphin"—
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who *could* mean nothing more at this period, than to amuse and deceive. When the treaty was actually before the Scottish parliament, he is still of opinion, "that a good construction may possibly be made of the intentions of Marlborough and Godolphin, though he acknowledges them to be so full of mystery in their dealings, that it is hard to judge of their designs."* And in subsequent letters his hopes and fears seem alternately to preponderate, and his mind to waver in anxious uncertainty. The object, no doubt, of these great leaders was to persuade the court of St. Germaine's that their interest was consulted, or, at least not sacrificed, by the Union, in order to obtain the acquiescence if not the support of the jacobite party in that measure.

The French king, pressed on all sides by the victorious arms of the allies, shewed no inclination, and even declared his total inability for the present to engage in any hostile enterprise against Britain. All that the court of St. Germaine's, therefore, could do in these circumstances, was to send over to Scotland, in compliance with the recommendation of M. Chamillart, the French minister, colonel Hooke, a man of sense and experience, "to acquire on the spot a perfect knowledge of the state of things." The colonel was furnished by the two courts of St. Germaine's and Versailles with ample instructions, and a declaration of war on the part of the former, to be published at the proper period, proclaiming "the resolution of his majesty king James VIII. to repair to his kingdom of Scotland in order to assert his undoubted right, and to deliver all his good subjects from the oppression and tyranny they had groaned under for above eighteen years past." And the colonel was expressly authorised and commissioned to represent to them "the necessity of laying hold of this opportunity of vindicating the Sovereign's right, and their own privileges and independency, which, if neglected, may never be retrieved."

* Macpherson's Papers, vol. ii. p. 75.

retrieved." But in the paper signed by M. Chamillart it is particularly recommended to colonel Hooke, not to engage his most christian majesty in expences which he cannot conveniently support, nor to give them any room to hope for more than he can furnish.* Upon the whole, the jacobite faction, little influenced by the artifices of lord Godolphin, who, sincere and upright by nature, was tempted and almost compelled by circumstances to act an insidious and faithless part, determined to exert themselves to the utmost in opposition to the treaty of union ; and in this design they were, from motives very different, seconded by the old republican party, headed by Fletcher of Saltoun.

The leaders of the jacobites were the dukes of Hamilton, Gordon and Athol, the marquis of Annandale, the earls of Errol, Marschal and Belhaven, &c. Of these the duke of Hamilton was universally considered as the chief in point of power, influence and popularity ; and being descended by the female line from the house of Stuart, "a gleam of royalty opened upon his mind," and he was suspected, not without reason, of aspiring to the succession, if by any means the claims of the rival courts of St. Germaine's and Hanover could be superseded. He had, however, much at stake ; and being at length reluctantly convinced of the vanity of his own pretensions, he began to listen to the secret overtures of the English ministry ; and at the commencement of the present session it is probable he had already determined to abandon his party whenever his interest should prompt. From the tenor of colonel Hooke's instructions, it appears that the lords Middleton and Caryl placed no reliance upon him, and that his duplicity was already detected. This is abundantly confirmed in the curious narrative, subsequently published in France, of colonel Hooke's negotiations in Scotland, with the original authorities annexed. On his first arrival, the duke sent to the colonel, desiring to know "whether he was not ordered to offer

* Macpherson's Papers, vol. ii. p. 30.

offer him some personal advantages, and what those advantages were." Lord Errol said, " that the duke of Hamilton's conduct was impenetrable ; and advised colonel Hooke to conceal from him all that he transacted with the other lords." " I saw," says the colonel, " the nation ready to come to the last extremities to prevent the union ; that they only waited for a leader ; that the duke of Hamilton wanted them not to think of the king of England, by persuading them that the king of France neither had an inclination nor an ability to assist that prince ; and the despair of the people augmenting every day, the duke might flatter himself that they would at length address themselves to him. It appears to me, that if he was not gained over by the court of London, he could have no other views."* Also in a memorial of the laird of Kerland, a principal leader of the presbyterians in the west, who in the present national infatuation had forgotten the oppressions they had formerly suffered under the dominion of the perfidious and tyrannic race of STUART, it appears that application had been made by them to the duke of Hamilton for permission " to take arms, and disperse the parliament ; and that the duke had charged them ' *not to stir*'—which they obeyed with great regret.—That shortly after the laird of Nisby, of the house of Hamilton, had insinuated to them, that, the king being abandoned by France, it was necessary to look for other means of delivering their country—and then proposed to them to offer the crown to the duke of Hamilton—that they rejected this proposition, well knowing the rest of the nation would never consent to it." Colonel Hooke, after what he saw and heard, no longer thought it of use to keep any measures with the duke. On receiving a frivolous and futile message from him by lord Kilfyth, " to inform the KING, that nothing could contribute so much to his service as the gaining of lord Marlborough and lord Godolphin," he

* Secret History of colonel Hooke's Negotiations.

he answered, " that he was not come to Scotland to ask the duke of Hamilton's advice about the king's affairs—that his majesty did not want it—that the duke did not deal fairly—that he used tricks unbecoming a person of his character—that he pretended to want to treat, but did not take measures for it—that he was tired of all his shuffling evasions, and that, if he would not do any thing, he should perhaps find means to save Scotland without him."*

The debates of the Scottish parliament on this great and solemn occasion were, in respect both of argument and eloquence, equal perhaps to those of any public assembly whose transactions have been the subject of historic regard. Every consideration of honor, interest and safety which can touch the human heart, or awaken the dormant passions of the soul, was urged by the members in opposition to deter the house from the adoption of this fatal project. Fletcher of Saltoun with all the energy of Roman patriotism declared, " that the nation was BETRAYED by the commissioners"—and when vehemently called upon for an explanation, he persisted in his charge, alleging, " that he could find no other word than TREACHERY to express his ideas of their conduct. It was harsh indeed, but it was truth ; and, if the house thought him guilty of any offence in making use of this expression, he declared himself willing to submit to their censure." A vote of censure, however, no one dared to move, and lord Belhaven, in a speech yet famous in Scotland, depicted with most impressive imagery Caledonia as sitting in the midst of the senate, looking indignantly around her, and covering herself with her royal robe, attending the fatal blow, breathing out with tender and passionate emotion the exclamation, " Et tu quoque, mi fili !" " I see," said this animated orator, " a free and independent kingdom tamely resigning that which has ever been considered amongst nations as the prize most worthy of contention—a power to manage and conduct their own affairs,

* Secret History of colonel Hooke's Negotiations

affairs, without any foreign interference or control. We are the successors of those who founded our monarchy, framed our laws, and who during the space of two thousand years have handed them down to us with the hazard of their lives and fortunes. Shall we not then zealously plead for those rights which our renowned progenitors so dearly purchased? Shall we hold our peace, when our country is in danger? God forbid!—England is a great and glorious nation. Her armies are numerous, powerful and victorious; her trophies splendid and memorable; she disposes of the fate of kingdoms; her navy is the terror of Europe; her trade and commerce encircle the globe; and her capital is the emporium of the universe. But we are a poor and obscure people, in a remote corner of the world, without name, without alliances, without treasures. What hinders us then to lay aside our divisions, to unite cordially and heartily, when that liberty which is alone our boast, when our all, our very existence as a nation is at stake? The enemy is at our gates. Soon will he subvert this antient and royal throne, and seize these regalia, the sacred symbols of our liberty and independence.—Where are our peers and our chieftains? Where are the Hamiltons, the Douglasses, the Murrays and the Campbells? Will posterity believe that such names yet existed, when the nation was reduced to this last extremity of degradation, and that they were not eager in such a cause to devote themselves for their country, and die in the bed of honor? My heart,” said this noble patriot, “is full of grief and indignation, when I consider the triumph obtained by England, which has at length brought under subjection this fierce and warlike people, who for so many ages shed the best blood of the nation to establish their independency. It is superfluous,” added he, “to enter into a formal examination of the articles of this treaty; for though we should even receive a *carte blanche* from England, what is this in exchange for our sovereignty? But does not in fact this pretended union

amount to political annihilation? I see the English constitution remaining firm—the same two houses of parliament, the same municipal laws, the same commercial companies, the same courts of judicature; while we make an ignominious and entire surrender of our national polity, our rights, our liberties, our honor and our safety.”

These were the sentiments by which the Scottish nation was almost universally actuated, and by which a generous and high-spirited people could not fail of being at such a crisis very powerfully impressed. The speech of lord Belhaven drew tears of anger and disdain from his auditors. And it was in vain that a few disinterested and dispassionate patriots, who from principle acted in conjunction with the numerous band of courtiers, placemen and pensioners who composed a majority of the parliament, forcibly urged the great and solid advantages which must result from this union. “That the actual situation of Scotland in a political view,” said one of the commissioners—Mr. Seaton of Pittmedden—who addressed the house on this occasion, “is disadvantageous and ineligible, no one will venture to deny. Two kingdoms subject to one sovereign, and having separate interests, must be liable to endless emulations and jealousies; and the monarch will, whenever these interests come, or are supposed to come, in competition, be obliged to decide in favor of the more powerful kingdom. And the greater the disparity of power and riches, the greater and more manifest will be the partiality; as the experience of a whole century has too fatally evinced. But to aim at an absolute separation of the British crowns, would be a rash and romantic project. If in former ages the Scots were scarcely able with the most heroic exertions to maintain their independency, how could it be imagined possible now that England had acquired such an immense preponderance in the scale of power? Were they to seek for refuge or security in the revival of the antient league with France? This would of itself be a virtual declaration of hostility
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against England, and probably accelerate that catastrophe which it was its professed object to avert. The policy of Europe would undoubtedly prevent any effectual interference of France in their behalf, in opposition to England the great bulwark of the liberties of Christendom. By an entire separation from England, the internal tranquillity and domestic order of the state would be also imminently endangered. Is the nation prepared for the reception of a new system of laws and jurisprudence? Or shall we revert to that Gothic constitution of government, adapted to the rude and barbarous manners of our ancestors, and productive of perpetual feuds and implacable animosities—of devastation, outrage, and anarchy; and which, previous to the union of the two crowns, we know the executive power did not possess energy sufficient to repress? If, then, the connection with England cannot be safely dissolved, and if the political relation in which we now stand as to that country is the subject of just and grievous complaint, what remains but to form a permanent union of the two kingdoms, as well as of the two crowns, on terms of reciprocal amity and advantage? Of the necessity and expediency of a firm and durable union we profess indeed an almost unanimous conviction; but then it is a federal and not an incorporative union, for which many of our countrymen entertain a zealous and invincible predilection. But this is not the union which England offers to our acceptance, or which she will herself accept. A federal union would be productive of no advantage, would remedy no evil. And where is the guarantee for the observance of the articles of a federal compact between two nations, one of which is so much superior to the other in riches, power and population? History demonstrates that incorporative unions, such as the kingdoms included in the monarchy of Spain afford an example of, are solid and permanent; but that a federal union is a weak and precarious bond of connection, easily dissolved by interest or ambition. Sweden and Denmark were once

united by a federal compact—But were peace and concord the result of this compact? No—it was the parent of strife, of enmity and oppression; and it terminated in scenes of blood and slaughter, and in everlasting separation. Let us not then amuse ourselves with words instead of things. By an union of kingdoms, I acknowledge I comprehend nothing short of an union of power, of government, and of interest. Till both nations are thus incorporated into one, England will neither extend to us the benefits of her commerce, nor the protection of her arms. By this union, Scotland will be put into the immediate possession of advantages to which she could never otherwise attain. The sources of prosperity will be opened to her view, and placed within her reach. We shall have ample scope for the exercise of our national industry in all its branches. To the vain ambition of independence, to the mere delusive phantom of royalty, will succeed the flourishing arts of peace; and Scotland will, by a policy founded on true wisdom, acquire that security and happiness which form the great and genuine end of government. We shall, with a just increase of confidence, see our liberty, property, and religion placed under the guardian care and protection of one sovereign and one legislature: and every branch of the empire, every part of the body politic, be it ever so remote from the seat of government, will participate in the universal prosperity, under the beneficial influence of the same equitable and liberal system of polity, and in the enjoyment of the same civil rights and commercial advantages, in proportion to the value of its natural products, and the vigor and perseverance of its own laudable and voluntary exertions.”

Notwithstanding the good sense and political rectitude of these reasonings, such was the violence with which the Treaty of Union was opposed in the Scottish parliament, and such the commotion which it excited in the kingdom, that the duke of Queensberry, high commissioner, absolutely despaired

despaired of success, and was desirous of adjourning the parliament, till by time and management he should be able to obviate those formidable difficulties. But the lord treasurer Godolphin, who saw that the measure would be lost by delay, urged him to persist in his exertions, which were at length crowned with success. The duke of Athol, and the opposition in general, had resolved to have recourse to a forcible dissolution of parliament: but their designs were rendered abortive by the irresolution or treachery of Hamilton; for, though the language of this great and popular nobleman in parliament was extremely vehement, his conduct was altogether inconsequential and indecisive. After urging the party in opposition not to look back upon what might have been done amiss, but now at last to unite their efforts to save the nation, which stood on the brink of ruin, he proposed at a general meeting a daring protestation against the union, "which," he said, "if the English did not desist from prosecuting, they must have recourse to ARMS and call over the KING." All who were present expressed their concurrence; and a day being fixed for presenting the protestation, the duke pretended to be taken ill. But in consequence of the expostulations of his friends on his ambiguous and fluctuating conduct, so nearly resembling that of his grandfather in the reign of Charles I. he was prevailed upon to go to the parliament-house; but being there seized with another paroxysm of terror, he absolutely refused to present the protestation, and promised only to be the first adherer. Lastly, to complete his system of duplicity, he himself moved that the queen should have the nomination of the commissioners. Astonished at this strange conduct, many of the jacobite party rushed in despair out of the house, exclaiming aloud, "Betrayed! betrayed!" After which the treaty met with comparatively little opposition.*

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* Tindal, Macpherson, Memoirs of Scotland, Burnet, &c.

The commissioners had been expressly restrained by their instructions from treating on the subject of religion—this being a matter of such high import, that it was deemed proper to refer it altogether to the wisdom of parliament. An Act was accordingly prepared for securing the Presbyterian Government of the Church of Scotland, which, in the hope of throwing an additional obstacle in the way of the union, the disaffected episcopal and jacobite party contributed all their influence to render as strong and pointed as possible: and it was declared an essential part of the Act of Union, to be subsequently ratified by the English parliament; which, to the chagrin and surprise of the faction in Scotland, the whigs of England, careless of the interests of Scottish episcopacy, hesitated not in the sequel to comply with. But, exclusive of the methods used to allay the popular resentment, and the sacrifices made to national prejudice, other means were adopted to facilitate the final passing of the Act of Union. By the report of the commissioners of public accounts, delivered in some years after this time, it appears that the sum of 20,000*l.* and upwards was remitted at the present juncture to Scotland; which was distributed so judiciously, that the rage of opposition suddenly subsided, and the treaty, as originally framed, received without any material alteration the solemn sanction of the Scottish parliament—the general question being carried by a majority of 110 voices. And on the 25th of March, 1707, the lord high commissioner adjourned the parliament, after expressing in very warm terms the satisfaction he felt in bringing this important affair to perfection.

A short time after the rising of parliament, the duke of Hamilton, who had now become notorious for his duplicity and inconstancy, transmitted a paper to the court of St. Germaine's, written in his own hand, but neither signed nor directed, in which is to be found the following singular passage:—"The D. of H. always flattered himself that
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Lord G. meant well, yet he was for the union more than can be thought—I know, however, that the whigs in England have resolved his ruin, but perhaps he does not know it.—Lord M. has been as zealous for the union as *he*; which will cause the ruin of the royal family.—Strange things have passed in this parliament!—Either come with a strong force, or wait the will of God.” Upon this declaration it is obvious to remark, that, of all the “strange things” that had passed during the session, nothing was so strange as the duke’s own conduct; and by proposing two alternatives, one of which he knew to be impracticable, it was evident that he had determined to abide by the other, and wait with patience the MIRACLE of the king’s restoration—an event which the eager desire and fond credulity of the court of St. Germaine’s still prompted them to expect.

The parliament of England met on the 3d of December, 1706, and voted liberal supplies for carrying on the war; but no material incident occurred till on the 28th of January the queen came to the house of peers, and informed the parliament that the Treaty of Union had been ratified by the parliament of Scotland. The Treaty itself, and the proceedings relative to it, being laid before the house of peers; their lordships, on the motion of the archbishop of Canterbury, ordered a Bill to be brought in for the Security of the Church of England; which being read a first and second time, the question was put, whether it should be an instruction to the committee to insert in the Bill the Act of 25 Charles II. entitled, An Act for preventing the Dangers which may happen from Popish Recusants, commonly called the Test. It was resolved in the negative by a majority of sixty-three voices against thirty-three. The Bill declaring the Acts passed in favor of the Church to be in full force for ever, was then made an essential part of the union. But the house avoided the absurdity chargeable on the Scottish parliament, which pronounced the government of their church unalterable; since, as was well observed, where

where a supreme legislature is once acknowledged, nothing can be unalterable ; and it is a manifest presumption, and usurpation of the rights of succeeding generations, for any assembly of persons, however constituted, to pretend to fix bounds and limits to the exercise of their discretion. The bill, quickly passing through both houses, received in a short time the royal assent.

On the 4th of February, 1707, the house of commons, in a grand committee, took into consideration the Articles of the Union, and Act of Ratification. The propositions were severally gone through, and successively approved, in a space of time too short to admit of very minute discussion ; and on the 15th of the same month they were submitted to the lords. Many objections were suggested by the earls of Rochester, Nottingham, Anglesey, &c. but over-ruled—and a bill for ratifying the same was prepared by sir Simon Harcourt, the solicitor-general, and so modelled as, by a very singular effort of political dexterity, to preclude any revival of the debate ; which the Tories hoped and expected to resume at more leisure, and with greater effect. For it was so contrived, that the articles of the treaty as finally approved and ratified, together with the bills for securing the two national church establishments, should be recited in the preamble of the act, and the whole converted into a law by a single enacting clause. The tories being thus reduced to the necessity of combating the general clause, and that alone, the recital being merely matter of fact ; the act passed triumphantly and with great facility through both houses, and immediately received the royal assent—the queen making upon the occasion a speech, in which she declared it to be her peculiar happiness, that an object had been accomplished in her reign, which in the course of above 100 years had been so repeatedly attempted in vain. The parliament was prorogued on the 30th of April, and on the succeeding day, agreeably to the Union-Act, the two nations of England and Scotland were indissolubly

diffolubly incorporated into one kingdom—ever afterwards to be known by the appellation of Great Britain. On this occasion, congratulatory addreffes were fent up from all parts of England ; but the Scots obferved a fullen and expreffive filence. Various promotions alfo took place at this period. The marquis of Montrofe and the earl of Roxburgh were created dukes in Scotland ; lord Cowper was declared lord-high-chancellor ; the earl of Stamford, firft lord of trade ; &c. But by far the moft remarkable change had been made in the courfe of the feflion by the difmiffion of fir Charles Hedges, fecretary of ftate, and the transfer of the feals to the earl of Sunderland, who had lately fucceeded to that title on the death of his father, and who was nearly allied to the duke of Marlborough by marriage with his fecond daughter. This promotion feemed very favorable to the intereft and influence of the whigs, by whom it was earneftly defired ; but it proved in reality far otherwife. The queen parted with fir Charles Hedges, for whom fhe entertained a great efteem, with extreme reluctance, and not till after much importunate follicitation ; and fhe retained a permanent refentment of the force and constraint which fhe acted under upon this occafion. In the month of October the duke of Marlborough had written to the duchefs to urge this matter upon the queen, which fhe had the folly and indifcretion to do in a ftyle of fingular infolence. She pretended that the lords Godolphin and Marlborough would, in confequence of the queen's partiality to the tories, be under the neceffity of leaving her fervice. “ You will then,” faid the duchefs, “ find yourfelf in the hands of a violent party, who, I am fure, will have very little mercy, or even humanity, for you : whereas you *ought* to prevent all thefe misfortunes by giving my lord treafurer and my lord Marlborough, whom you may fo fafely truft, leave to propofe thofe things to you which they know and can judge to be abfolutely neceffary for your fervice.”

About this period a new favorite had arisen in the court—Mrs. Masham, a relation of the duchess of Marlborough, and introduced by her to the queen; over whom she had, by her soft and insinuating manners, so opposite to the imperious deportment of the duchess, acquired such an ascendancy, that her grace was absolutely supplanted before she was apprised of the danger. Mrs. Masham had formed a strict connection with the secretary of state, Harley, who had in conjunction with her formed a project of raising himself to the summit of power on the ruins of the present ministry, whose whole system of politics he found secretly distasteful to the queen. The secretary had been frequently introduced by the favorite to private audiences of the queen, in which he represented to her, who was extremely jealous of her authority, the political thralldom in which she was held by the Marlborough family; and he practised on the goodness and humanity of the queen's disposition, by reprobating the boundless ambition and avarice which prompted the general to continue a war so fruitful of misery and calamity—a war, which might indeed be necessary to his greatness, but which it would be easy to terminate on very advantageous and honorable terms for the sovereign and nation. The advancement of Sunderland would of course tend to strengthen that influence, which the queen had now learned to dread; and the personal consequence of Harley, who feared not the competition of sir Charles Hedges, would be greatly eclipsed by the promotion of a man of Sunderland's high rank, connections and political ability, of which he had already given in a late embassy to Vienna very demonstrative proofs. After a long and obstinate resistance, the queen thought proper to yield the point in contest; and the earl of Sunderland was declared secretary of state in December, 1706. But from this moment the Marlborough interest was undermined, and in imminent danger of eventual subversion.

BOOK VI.

Embassy of the duke of Marlborough to the king of Sweden. Campaign in Flanders and Germany, A. D. 1707. Unsuccessful attempt on Toulon. Battle of Almanza. Shipwreck of sir Cloudesley Shovel. First parliament of Great Britain convened. Debates respecting the war in Spain. Privy council of Scotland abolished. Secretary Harley dismissed. Whigs lose the favor of the queen. Invasion of Scotland by the pretender. Campaign in Flanders, &c. A. D. 1708. Battle of Oudenard. Conquest of Lisle. Sardinia and Minorca reduced. Singular contest with the court of Russia. Death of the prince of Denmark. Session of parliament. Act of Grace. Conferences for peace opened at the Hague. War becomes unpopular in England. Campaign in Flanders, A. D. 1709. Battle of Malplaquet. Military operations in Spain. Extraordinary defence of the Castle of Alicant. King of Sweden defeated at Pultowa. New overtures of peace made by France. Session of parliament. Trial of Sacheverel. Great popularity of the tories. Entire change of administration. Conferences of peace revived at Gertruydenberg. Campaign in Flanders, A. D. 1710—and in Spain. Victories of Almanara and Saragossa. Reverse of fortune. Disaster at Brihuega. Session of parliament. Violence of the tories. Proceedings of the convocation against Whiston. Death of the emperor Joseph. State of politics on the Continent. Campaign in Flanders, A. D. 1711. Capture of Bouchaine. Archduke Charles elected emperor. Naval transactions. Ill-concerted attempt against Quebec. clandestine negotiations with France. Session of parliament. Occasional Conformity Bill passed. Duke of Marlborough dismissed from his employments. Creation of twelve peers. Debates on the Barrier Treaty.

Scottish

Scottish Toleration Bill. Congress held at Utrecht. Campaign, A. D. 1712, in Flanders. Fatal cessation of arms. Disasters of the allies. Treaty of Utrecht signed. Session of parliament. Attempt to dissolve the union. Debts of the crown discharged. Ministerial disputes and cabals. Affairs of Ireland. State of Europe. Treaty of Altranstadt. Session of parliament. Debates on the danger of the protestant succession. Writ demanded from the electoral prince. Death of the princess Sophia. Schism Bill passed. Dismission of the earl of Oxford. Death of the queen. Review of her character.

IN the spring of the present year, 1707, the duke of Marlborough, whose talents were equally adapted to the cabinet and the field, was invested with a very important embassy to the king of Sweden. This monarch, after forcing, as has been related, the Danish court to a separate peace at Travendahl, passed over into Ingria, where the czar Peter was engaged in the siege of Narva at the head of an army of 80,000 Russians. Leading without hesitation to the attack a body of troops not exceeding 10,000 men, he gave him a total and memorable defeat. Believing the Swedish provinces on that side secure, and despising so imbecile an enemy, he advanced into Livonia, and compelled the king of Poland to raise the siege of Riga. Afterwards attacking the united armies of Poles and Saxons on the banks of the Dwina, he forced the passage of that river with great slaughter ; and, penetrating into the heart of the kingdom, by a series of astonishing successes, made himself master of Cracow and Warsaw ; and, being animated by an implacable animosity against king Augustus, he caused a diet to be assembled, by whom the deposition of that monarch was pronounced, and Stanislaus Leckzinski, a Polish palatine of great merit and accomplishments, elected king of Poland in his stead. The unfortunate Augustus, retiring
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into Saxony, was pursued thither also by his relentless antagonist, who reduced the whole electorate, Dresden excepted, to unconditional submission, levying immense contributions upon the inhabitants, and diffusing terror throughout all the neighboring states, and even the Imperial court of Vienna itself. A treaty was at length signed at Alt-Ranstadt, between the kings of Sweden and Poland; by which the latter relinquished his pretensions to the Polish diadem in favor of Stanislaus—retaining the mere empty title of king, and stipulating only for the restitution of his electorate. The king of Sweden nevertheless still remained with his army in Saxony, where his conduct was such as to occasion great umbrage to the allies, and more particularly the emperor, whom he treated with great haughtiness and disdain. The Swedish envoy at Vienna, baron Strahlenheim, having received an affront from a Hungarian nobleman, count Zobor, the king of Sweden insisted upon the count's being delivered up to him; also upon the absolute surrender of the Russian troops who had escaped from the defeats in Poland into Germany, and had been entertained in the Imperial armies; and of those officers who had obstructed the Swedish levies in Silesia. Count Wrattislaw being nominated ambassador to the king of Sweden, count Piper, first minister to his Swedish majesty, wrote to him, saying "that if he came with power to give his master real satisfaction, he would be welcome; but that if he only came to enter into a discussion of his Swedish majesty's pretensions, he might save himself the trouble of that journey:" and upon the count's subsequent arrival at Alt-Ranstadt, the king refused to admit him to an audience. The demands of Sweden were now enlarged and multiplied into divers distinct articles, of which the most remarkable were, that the protestant religion in Silesia be restored, according to the treaty of Westphalia; that his Imperial majesty should renounce all pretences to the quota which the king of Sweden, as prince of the empire, had omitted to furnish during

during the present war; and that the whole Swedish army, on their return to Poland, should be maintained at the emperor's charge: all of which the court of Vienna was ultimately compelled to ratify. Surprise being expressed by some of the courtiers at his Imperial majesty's yielding to the article respecting the restoration of protestantism in Silesia, the emperor replied, "that it was fortunate the king of Sweden did not insist upon his turning protestant himself."

In the height of this dispute, and while the most serious apprehensions were entertained that a rupture might take place, so injurious to the interests of the allies, the duke of Marlborough arrived in Saxony upon an ostensible embassy of compliment, but with a hidden purpose to discover the real intentions of the king of Sweden, and, by those arts of insinuation and address of which he was so great a master, to conciliate his favor and regard. Being conducted by count Piper with distinguished marks of honor into the king's presence, he presented to that monarch a letter from the queen of England, written with her own hand: and knowing the weakness of the king's character with respect to flattery and the extravagance of his pride, ill concealed under a guise of simplicity and modest reserve, he declared, "that, had not the sex of the queen of England, his mistress, prevented, she would have crossed the sea to visit a prince admired by the whole universe."—His grace added, "that he esteemed himself honored in making these assurances; and that he should think it a great happiness if his affairs would allow him to learn under so great a general as his majesty, what he yet wanted to know in the art of war." To this speech the king of Sweden replied, "that he should always have the utmost regard for the interposition of the queen of Great Britain and the interests of the grand alliance—that her majesty might be assured his design was to depart hence, as soon as he had obtained the satisfaction he had demanded—and that he should do
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nothing which might tend to the prejudice of the common cause in general, or to the protestant religion in particular, of which he should always glory to be a zealous protector." He then invited the duke to dinner, placing him on his right hand, and count Piper on the left : after which the duke retired with the king and the count into the audience-room, where a long and interesting conference took place ; during which the duke, as we are told, often fixed his eyes attentively on the king. When France was mentioned, he perceived symptoms of disgust and aversion : and, when the conquests of the allies were touched upon, of satisfaction and pleasure. When he named the czar, the king's countenance was inflamed, and his eyes sparkled with anger. He moreover remarked, that the king had a map of Muscovy lying before him on the table. Hence he inferred, that the real object of the king's ambition was to dethrone the czar, as he had already done the king of Poland—that he entertained no designs inimical to the allies, and meant only to impose some hard terms upon the emperor, with which the court of Vienna would be obliged to comply ; and, satisfied with the justness of these conclusions, he retired from the king's presence without making any specific proposal.* After receiving the highest marks of distinction which this ferocious monarch ever perhaps conferred upon any individual, he took his leave of the king, and, passing through the courts of Berlin and Hanover, arrived at the Hague, May the 8th, 1707.

After the successful campaign of 1706, the most sanguine expectations were entertained that France, whose pride was now humbled in the dust, would no longer be able to make any effectual resistance ; and that the allies, as victors, might in a short time dictate the terms of peace with the point of the sword. The operations of the ensuing summer did not however in any degree tend to confirm these lofty ideas. The duc de Vendome, who was re-appointed to the command in Flanders, chose his posts with

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* Voltaire, Lamberti, Burnet, &c.

so much skill and judgment, that the duke of Marlborough could not without manifest rashness venture upon an attack. This was the only campaign during the war, in which that great commander did not obtain some signal advantage over the enemy; and the French general, whose policy it was to act upon the defensive, fully sustained his high reputation, by thus putting, after his grace's long career of victories, a sudden and total stop to the progress of his arms.

On the banks of the Rhine marechal Villars met with considerable successes. The margrave of Bareith, who was appointed to the command of the Imperialists on the death of the prince of Baden, found himself ill able to oppose his progress. The French army, having passed the Rhine at Strasburg, forced the lines at Stolhoffen, esteemed the rampart of Germany, laid the duchy of Wirtemberg under contribution, made themselves masters of Suabia, and penetrated to the Danube. But when marechal Villars was meditating measures which might change the whole face of the war, he was compelled to weaken his army by sending great detachments into Provence. Towards the end of the campaign the elector of Hanover, at the earnest request of the emperor and the empire, assumed the command of the Imperial army, which he conducted with much judgment and prudence. And count Merçi having surprised and defeated the marquis de Vivans at Offenburg, M. de Villars was forced to abandon his splendid projects, and repass the Rhine by fort Louis into Alsace.

The disappointment sustained by the allies on the side of Italy was proportionate to the high and confident hopes which had been previously excited. In the month of July, 1707, prince Eugene and the duke of Savoy passed the Var at the head of 30,000 men, and marched directly towards Toulon, to which they laid close siege. As the principal naval magazines of France, and the greater part of its fleet, were inclosed within its walls or its harbor, this enterprize
excited

excited a general consternation. The place was however defended with the most heroic valor; and prince Eugene was suspected, from his unusual caution, to act under the restraint of secret orders. An enterprize which the spirit of adventure approaching to rashness, only could render successful, was protracted into length: and troops being assembled from all parts in great force for its relief, the duke of Savoy, who feared lest his retreat to Italy should be intercepted, thought proper to raise the siege with precipitation, and to repass the Var, without any acquisition of honor or profit from this undertaking, into his own dominions. Great blame was upon this occasion imputed to the emperor, who, careless and indifferent to the success of an enterprize from which he could reap no benefit, had detached a large body of troops, originally destined for this purpose, to the kingdom of Naples, of which he effected a complete conquest: and this was the only advantage gained by the allies during this unfortunate campaign, of which the most disastrous events still remain to be narrated.

If, on the side of Lombardy, Germany, and Flanders, the wishes and expectations of the allies were not satisfactorily answered, in Spain they suffered a fatal reverse. Don Pedro king of Portugal had departed this life December 9, 1706, and was succeeded by his son Don Juan V. who declared that he would religiously observe all the engagements of his father. In a council of war, held at Valencia, February, 1707, it was resolved by the marquis Das Minas and the earl of Galway, on the strength of the re-inforcements lately arrived from England, to act offensively, seek out the enemy, and endeavor to bring them to battle. The earl of Peterborough, who had now returned to Spain, gave indeed his opinion in favor of a defensive campaign; but this was by his enemies, and they were numerous, ascribed merely to envy and hatred of the earl of Galway, a general of great military skill and experience—of unimpeached integrity,

of heroic valor, and remarkable for the modesty of his disposition and the suavity of his manners—and whose highest eulogium it was, that he possessed the entire affection, friendship, and confidence of that sagacious observer and penetrating judge of men, the late king **WILLIAM**.

In consequence of the resolution actually taken, the confederate army moved with their whole force to Yecla, where the duke of Berwick had formed a grand depôt of provisions and stores, which he abandoned at their approach. Encouraged by the unexpected and precipitate retreat of this general, they advanced to Portalegre, with a view to surprise him in his camp. But before this design could be effected, intelligence was received that the duke, being joined by the reinforcements he looked for, was on his march to attack the allies. Both armies being now equally disposed to try the event of a battle, the earl of Galway proceeded, April 14, 1707, to the plains of Almanza, where he found the enemy, far superior in number, drawn up and ready to receive him. The action extended from wing to wing. The centre of the allied army, composed of English and Dutch infantry, fought with the greatest gallantry, and drove the enemy before them. But the right wing, consisting entirely of Portuguese troops, commanded by the marquis Das Minas in person, fled at the first onset—and the left, where the English and Dutch cavalry were posted, after incredible efforts of valor yielding to superior force, the duke of Berwick ordered his two wings to attack the main body in flank. But the generals of infantry, forming the battalions into a hollow square, retired from the field of battle with inconsiderable loss. But night quickly came on. They were strangers to the country, and did not know where to retire for safety. After marching nine hours, and fighting about six, they could move no farther. They had spent their ammunition, and had not so much as bread and water to refresh themselves with. Besides this, they expected

expected to be attacked next morning by the enemy, against whom they could make no effectual resistance, being totally abandoned by the cavalry. In these forlorn and destitute circumstances, they came to the desperate resolution of surrendering themselves prisoners of war, to the amount of twenty-three entire battalions. The duke of Berwick is said to have been astonished, and scarcely to have credited the officer who brought the message. The Portuguese, and part of the British cavalry, with the foot that guarded the baggage, made good their retreat to Alcira, where the broken remains of the army mournfully assembled, after sustaining a loss of 14,000 men, exclusive of 800 officers; with all the artillery, equipage, ammunition, and standards. Das Minas made an early escape with the Portuguese cavalry to Xativa, and the earl of Galway, who charged, first, as general, at the head of the left wing, and then as a volunteer in Fabreque's regiment of dragoons, retired reluctantly from the field, after receiving a dangerous wound on the head with a sword. The day after the battle the duke of Orleans arrived to take the command of the Spanish army, which had now acquired the most decisive superiority: and though the earl of Galway did all that an active, and able general could to retrieve so great a misfortune, and compensate for the error into which he had been led by the excess of his zeal; yet Arragon and Valencia were gradually evacuated, and the campaign concluded with the siege and capture of Lerida.

The naval history of the present year also, from causes impossible for human wisdom to guard against, is most disastrous. From the period of the dismissal of sir George Rooke, sir Cloudesley Shovel had commanded in the Mediterranean with high reputation—co-operating, agreeably to his orders, with the duke of Savoy, in the siege of Toulon, where, by universal acknowledgment, he performed all that could be expected from a great naval officer. He made himself master of two forts at the entrance of the

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harbour, he kept up a tremendous bombardment on the town, and destroyed or compelled the enemy to destroy not less than twenty ships of war lying there, near half of which were of the line of battle. On the miscarriage of this expedition he left a strong squadron under the command of sir Thomas Dilkes for the Mediterranean service, and sailed from Gibraltar with the rest of the fleet, consisting of fifteen sail of the line, for England. On the 22d of October, 1707, he had ninety fathom water in the soundings, and brought the fleet to, the weather being extremely hazy. Towards evening a fresh and apparently favorable gale springing up, he made the signal for sailing, supposing the channel to be open. But by eight o'clock signals of distress were made by several of the fleet, who found themselves, to their astonishment, upon the rocks to the westward of Scilly. The Association, in which sir Cloudesley himself hoisted his flag, struck and instantly foundered with all the crew; as also the Eagle and Romney. The Royal Anne was saved by an extraordinary presence of mind and activity in sir George Byng and his men, who shifted the sails when within a ship's length of a rock to the leeward. Lord Dursley in the St. George had, if possible, a still more miraculous escape; for his ship was dashed on the same ridge of rocks with the Association: and the same wave which was perceived to be fatal to the latter, set the St. George again afloat. Sir Cloudesley Shovel's body, being the next day with many others cast on shore and found on the strand, was carried to London and interred in Westminster Abbey, where a monument was erected in memory of this renowned admiral, who ranks amongst the greatest sea-commanders of that or any other age. Of undaunted resolution and intrepidity, he was at the same time eminent for generosity, frankness and integrity. Unversed in the wiles and machinations of courts, he was uniform and consistent in his zeal for the liberty, and in his attachment to the religion, of his country. This great man was the artificer of his
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own fortune, and, by his personal merit alone, from the lowest beginnings rose to the highest station in the navy. His loss was regarded as national, and his tomb was consecrated by the tears of his country. This terrible calamity was ill compensated by the accounts which at this period arrived of the total destruction of the French fisheries at Newfoundland—several frigates on that station being taken or burnt, and upwards of 300 boats demolished, with 70,000 quintals of fish.—Such are the triumphs of war! On the other hand, the French admirals Fourbin and Du Guai Trouin attacked the Portugal and West India fleets with success, and captured several line-of-battle ships of the convoy.

The first parliament of Great Britain was convened on the 23d of October, 1707, when all the forms usual in the beginning of a new parliament were observed, and Mr. Smith was re-chosen Speaker. Fresh assurances were given of the resolution of the two houses to support the queen in the vigorous prosecution of the war; and after much fruitless investigation into the causes of the recent misfortunes in Spain, the lords and commons joined in a resolution and address, “that no peace could be safe or honorable for her majesty and her allies, if Spain and the West Indies were suffered to continue in the power of the house of Bourbon.” To which the queen replied, “that she was fully of opinion, that no peace could be safe till the entire monarchy of Spain were restored to the house of Austria.”—The tories were unanimous in magnifying the services of the earl of Peterborough, who being justly in disfavor with the ministers for his extravagant and eccentric behaviour, and lately recalled by them, now threw himself upon the protection of the opposite party. The whigs, on the other hand, vindicated the earl of Galway, who published an excellent narrative of his own conduct, in answer to the accusations brought against him by lord Peterborough. Complaints were in return made against the accuser, and letters of

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of the king of Spain produced sufficiently manifesting the dissatisfaction he had felt at the earl of Peterborough's proceedings. Upon which the earl brought such a number of papers and so many witnesses to the bar to justify his conduct, that the house, after sitting day after day for near a fortnight, and wasting their time in endless readings and examinations, grew weary of the business—and, perceiving that the longer they investigated the more they were puzzled and perplexed, the whole business was suffered to fall to the ground without coming to any vote or resolution respecting it.

A remarkable debate took place during this session, relative to Scotland. Notwithstanding the union of the legislatures, it was still a doubt whether a distinct executive government should not be maintained in that kingdom. But the house of commons were determined against it, and a bill was introduced, and passed by a great majority, “for rendering the union of the two kingdoms more entire and complete;” by which it was positively enacted, “that there should be but one privy-council in the kingdom of Great Britain.” The utmost influence of the court was exerted against this bill when sent up to the house of lords, where it passed at length with great difficulty, and to the extreme discontent of the ministers, or rather the courtiers, on a close division of fifty to forty-five voices.

Early in February, 1708, happened an important change in the administration, by the dismissal of Mr. Harley, secretary of state, and the promotion of Mr. Boyle, chancellor of the exchequer, to that office; who was succeeded by Mr. Smith, speaker of the house of commons. Mr. St. John, secretary at war, and sir Simon Harcourt, attorney-general, chose to follow the fortunes of Mr. Harley, and resigned their places; the former of which was given to Mr. Robert Walpole, now distinguished for his great parliamentary talents and capacity for business: and sir James Montague

Montague was made attorney-general. The lords Godolphin and Marlborough had for a long time past been very uneasy at the secret practices of the late secretary, and the dangerous intrigues carrying on by him in conjunction with Mrs. Masham. At length they avowed their determination to serve the queen no longer, if he was continued in that post. The queen endeavored in vain, by the most soft and soothing expressions, to divert them from this resolution; and being herself equally inflexible, these great noblemen, to the astonishment of all, actually withdrew from court. Shortly after, the queen, greatly indignant, repaired to the cabinet-council, where Mr. Harley attempted to state some particulars relative to foreign affairs; on which the duke of Somerset said, "he did not see how they could deliberate on such matters in the absence of the general and the treasurer." The other members present plainly acquiescing in this sentiment, the council broke up in disorder; and the queen, sending for the duke of Marlborough, told him Mr. Harley should resign; which he did within two days. But from this era the queen harbored the deepest resentment against the duke and the treasurer, and manifested an incurable alienation from the whigs.

It is a subject of mere speculation, how far the queen might in time have been incited to adopt new measures and new counsels to the prejudice of that party, if she had not been thus impolitically urged and irritated. Certain it is, that the duchess of Marlborough, who had so many years possessed an absolute ascendent over her mind, now no longer retained the smallest degree of influence. But the queen, who at present feared as much as she had once loved her, was still anxiously desirous of keeping up appearances, and of maintaining a civil correspondence. Nothing is more difficult than to recover affection which from any cause has fallen into the wane. The natural progress is from coldness to dislike. But the conduct of the duchess, when she discovered that the queen's partiality was

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was transferred to another, was that of a woman frantic with rage and jealousy. Tears, solicitations, upbraidings, reproaches, succeeded each other without intermission, till she made herself equally the object of hatred and contempt. But till the forcible resignation of Harley there is no good ground to believe that the queen entertained any serious thoughts of a political change : her only object seems to have been, to assert the privilege of a few persons about her, to whom she could talk freely and confidentially ; and to whom, however hopeless of relief, she could make her complaints and express her resentment of the hard constraints imposed upon her. Even after the dismissal of Harley, her easy and timid disposition probably would not have harbored the idea of exerting so mighty an effort as was necessary to throw off the yoke of the Marlborough connection, if subsequent circumstances had not in a remarkable and unexpected manner favored a revolution in politics. In a letter written to the duchess of Marlborough, in the month of October, 1707, in answer to the menaces thrown out by the general and treasurer, the queen says : “ I never did nor ever will give them any just reason to forsake me ; and they have too much honor, and too sincere a love for their country, to leave me without a cause : and I beg you would not add that to my other misfortunes, of pushing them on to such an unjust and unjustifiable action.” She even condescended, in a subsequent letter to the duchess, to use the fondest language, summoning up perhaps all the remains of her former affection, and entreating her “ to banish all unkind and unjust thoughts.” Her extreme earnestness gives a degree of pathos to her expression. “ Indeed,” says the queen to her imperious friend, “ I do not deserve them ; and if you could see my heart, you would find it as sincere as tender, and passionately fond of you as ever, and as truly sensible of your kindness in telling me your mind freely upon all occasions. Nothing shall ever alter me.” But the duchess, far from adopting that
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mild and conciliatory mode of conduct which could alone relumine the almost-extinguished affection of the queen, or secure her own interested purposes, persevered in treating her with a violence and rudeness of deportment which in a short time ensured a complete victory to her rival Mrs. Masham. But these are particulars which, however accidentally connected with general politics, seem somewhat trifling and frivolous—rather appertaining to the memoirs of a court, than to the history of a nation.

Shortly after this breach at court the nation was alarmed with the news of an invasion. Encouraged by the daring spirit of faction and disaffection now prevailing in Scotland, incited by the earnest invitations of a prodigious number of persons of rank and property in that kingdom, and desirous perhaps to avenge the insult he had recently suffered at Toulon, the French king at length equipped a powerful armament, with a view of making a descent in that kingdom ; on board of which embarked the chevalier de St. George, son of the late king James. Immediately on sailing from Dunkirk they were closely pursued by an English squadron, commanded by sir George Byng, who captured, near the Frith of Forth, one of their flag-ships ; and the whole armament was so scattered and dispersed in their retreat from the action, that they could not even effect a landing, which might, or rather must, at the present crisis, have been attended with very serious consequences. And, after being tossed for more than a month in a stormy and tempestuous sea, they at last found their way back in a shattered and distressed condition to the port of Dunkirk. On this occasion the most firm and vigorous measures were taken by the government—such, however, as sufficiently demonstrated the sense it entertained of the magnitude of the danger. The Habeas Corpus Act was suspended—the Abjuration Oath was tendered to all persons—and those who refused it were declared to be in the condition of convict recusants. A vote of credit passed the house of commons,

commoners, and twelve battalions of troops were ordered immediately from Flanders. The queen herself, in a speech to both houses, informed them of this alarming attempt to invade the kingdom, and to subvert the government; and declared, for the first and the last time, as many failed not to remark, "that her firmest reliance was placed on those who were chiefly concerned in effecting the glorious Revolution." In this popular speech, the chevalier de St. George was, by a new designation, styled **THE PRE-TENDER**, which term was re-echoed in the numerous addresses presented to the queen from every part of the kingdom: and by this appellation he was in future usually distinguished. Soon after the termination of this business, the parliament, which had now sitten three years with the highest reputation to itself and advantage to the public, was dissolved: and a new parliament summoned to meet in November, 1708, in which the whig interest still maintained its ascendancy.

The duke of Marlborough, embarking for Holland on the 29th of March, arrived in a few days at the Hague, where he met with prince Eugene, with whom and the grand pensionary Heinfius, accompanied by the deputies of the states, he held a long conference respecting the future operations of the war. The duke of Marlborough was invested with the dignity of ambassador extraordinary, whereas prince Eugene sustained no diplomatic character; consequently the duke was entitled to the precedence. But it was remarked that his grace, on entering the room, took prince Eugene by the hand, and led him to a place above his own. Such is the indifference or contempt with which men of elevated minds regard the frivolous distinctions of etiquette. Having settled the plan of the campaign, these two illustrious heroes and statesmen repaired to the court of Herenhausen, where they were entertained with all those marks of esteem and regard which their great and signal services merited. The elector was prevailed upon
again

again to assume the command of the army upon the Rhine ; and prince Eugene and the duke of Marlborough, emulous, not envious, of each other's glory, had the satisfaction to serve together in Flanders.

The king of France, emboldened by the success of the last campaign, and confiding in the talents of his general M. de Vendome—though the supreme command, to the risk or rather the ruin of all their measures, was vested in the duke of Burgundy, eldest son of the Dauphin—seemed this year inclined to act more upon the offensive : and early in the summer the cities of Ghent and Bruges were surprised by a detachment from the French army ; after which the duc de Vendome sat down before Oudenard. Prince Eugene, after a short interval of absence, having now rejoined the army with a great reinforcement from Germany, the allied generals advanced with swift marches to the relief of that place ; on which the enemy raised the siege with precipitation, and retreated towards the Scheld, which the main body of the French army passed at Gaver. The intention of M. Vendome was to attack the allies when the troops were divided by the river : and he had made his dispositions accordingly. But the pride and ignorance of the duke of Burgundy frustrated this plan, and the French army was thrown into confusion by a variety of inconsistent movements ; when the army of the Allies, having crossed the Scheld without opposition, appeared in sight, and it was too late to think of a retreat. The attack soon became general throughout the whole extent of those vast armies. The Imperial and English generals charging at the head of their respective troops with a conduct and valor worthy of their high renown, the French were borne down on all sides, unable to sustain the shock. The electoral prince of Hanover had a distinguished share in the glory of the day—leading on the Hanoverian cavalry sword in hand to the attack of the household troops of France with brilliant success, whilst the *pretender*, who accompanied

accompanied the duke of Burgundy, and *saw* the engagement from the steeple of an adjacent village, was amongst the first to quit the field. The brave veldt-marechal An-verquerque, though in a languishing condition, and worn with the fatigues of thirty campaigns, exerted his expiring vigor on this occasion, displaying all the ardor if not all the activity of youth. The orders of the duke of Burgundy during the engagement manifested the grossest deficiency in military science; but M. de Vendome acted the part of a great commander on this occasion, rallying in person the broken battalions, calling the officers by name, and conjuring them to maintain the honor of their country. The French army was in the end entirely defeated. Night however saved them from total ruin; and the duc de Vendome, seeing all hope of retrieval lost, formed his best troops into a rear-guard, with which he secured a tolerable retreat. But the loss suffered by the French did not amount, on the lowest computation, to less than 14 or 15,000 men; and above 100 standards and colors were taken. The marquis de Feuquieres acknowledges, "that the confusion which pervaded the French army was such, that the troops were neither sensible where they fled nor by whom they were conducted;"—and the extraordinary ability and presence of mind of the duc de Vendome alone sustained the sinking fortunes of France.

In consequence of this important victory, the generals of the allies determined to undertake the siege of Lille, the capital of French Flanders—a town on the fortifications of which Vauban had exhausted his utmost skill, and which was defended by a garrison so numerous, commanded by an officer of such experience and valor, the marechal de Boufflers, that the success of the enterprise was adjudged extremely doubtful. All the great military talents of the duc de Vendome were exerted to obstruct the progress of the siege, and to avert if possible the impending catastrophe. He was particularly indefatigable in con-
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certing measures for cutting off the convoys, of which the camp before Lisle stood in need. And by throwing up entrenchments seventy miles in length, strongly fortified with cannon, he actually secured the passes of the Scheld, and cut off all communication by that river : upon which all things necessary for the army, and siege were in future sent by the incommodious rout of Ostend. A grand convoy being expected from that place, entrusted to the care of general Webb, with a guard of about six thousand men ; the duc de Vendome detached the count de la Motte with a body of chosen troops, amounting to forty battalions and sixty squadrons, for the purpose of intercepting it. As soon as the advanced guard of the English arrived at the pass of Wynendale, they perceived the enemy drawn up in the distant plain. No sooner had the English cleared the defile, than general Webb posted his small force in the opening contiguous to the wood of Wynendale, planting several regiments in ambuscade under cover of the wood on the right and a low coppice opposite to the wood on the left. The French, advancing with the utmost confidence to the attack, received an unexpected fire on both flanks, which threw their whole line into confusion. Still, however, pressing forward, and ashamed to retreat, they again received the same salute ; and the disorder increased, till the wings were forced upon the centre ; and, a general panic taking place, in spite of all the efforts of their officers they sought for safety in a precipitate flight, leaving more men dead and wounded upon the field than were equal in number to the whole of the army opposed to them. It was allowed by all, that if this great convoy of 800 waggons had been intercepted, the siege must have been raised ; so that the superior fortune rather than skill of the duke of Marlborough was apparent in surmounting this and the other obstacles which the ability and vigilance of the duc de Vendome, still more than the unrivalled art of the engineer, continually created. This important town
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and its citadel at length surrendered to the allied army, after a resolute and noble defence, December 10th, to the inexpressible chagrin of the French court, who saw the frontier of France by this conquest exposed to the most dangerous future attacks. Ghent and Bruges were also recovered before the end of the campaign, which terminated only with the year.

The armies on the Rhine were this summer commanded by the electors of Bavaria and Hanover. Both generals were so weak and so equally ill provided, that they were not able to undertake offensive operations on either side; and after a short and ineffectual campaign, they retired into winter quarters.

The miscarriage before Toulon did not deter the duke of Savoy from attempting, during the present summer, another invasion of France. Bending his march towards Savoy over Mount Cenis, he suddenly turned short; and, eluding the vigilance of M. Villars, made himself master of Exilles, Fort la Perouse, and the Citadel, lately erected, of Fenestrella: by which conquests he not only secured his own territory from insult, but gained a free passage into the enemy's country. These sieges drew out into such length, that the snow began to fall before Fenestrella capitulated.

At the end of the disastrous campaign of 1707, the earl of Galway and the marquis Das Minas had returned under convoy of an English fleet to Portugal: and in order that the war in Spain might be prosecuted with renewed spirit and vigor, the emperor appointed to the chief command in Catalonia count Staremberg, a general of tried ability and experience, and second in reputation only to prince Eugene; and general Stanhope succeeded the earl of Galway in the command of the English auxiliaries. The campaign was opened by the duke of Orleans with the sieges of Tortosa, and Denia, both of which places surrendered after no memorable resistance; the Imperial general not being sufficiently

sufficiently in force to attempt their relief : and the expectation of recovering their superiority in the field was wholly disappointed—the whole summer passing in mere defensive operations. In the mean time, sir John Leake made a complete conquest of the Island of Sardinia; and, in concert with general Stanhope, also of Minorca, so celebrated for its noble and capacious harbor of Mahon. And the POPE was menaced by the British admiral with the bombardment of Civita Vecchia, in return for the assistance he had publicly afforded the pretender on his late expedition to Scotland. From this affront, however, the holy pontiff was saved by the seasonable interposition of the Imperial court in his favor ; for his holiness had at length, though not without the greatest reluctance, and in consequence of the near and alarming approach of the Germanic army from Lombardy towards Rome, recognised the archduke as king of Spain.

In the month of May in the present year commodore Wager, who commanded in the West Indies, signalized himself by an attack upon the Spanish plate-fleet, on its passage from Carthagena to Porto Bello. The fight began at sun-set ; and soon after it was dark the Spanish admiral blew up with a tremendous explosion. The rear-admiral struck about two in the morning, and the vice-admiral escaped in a shattered condition. Another large ship of forty guns was run ashore and burnt, and the remaining ships were with difficulty saved by the intervention of the dangerous shoal off Carthagena, known by the name of the Salmadinas.

A singular incident happened about this time in London, which was the public arrest of the count de Matueof, the Russian ambassador, in the open street, by certain tradesmen to whom he was largely indebted. This affair made a great noise, all the foreign ambassadors interesting themselves as parties in demanding signal reparation for so gross an insult : and the count declared in a letter to Mr. Boyle, secretary

secretary of state, that if the *criminals* were connived at under any color whatsoever, he should instantly depart the kingdom—leaving to the czar his master the protection of his injured honor. The queen expressed great regret and resentment at the indignity offered, and ordered a prosecution to be instituted against the offenders by the attorney-general. But this did by no means satisfy the ambassador, who retired into Holland, whence he transmitted a letter from the czar to the queen, requiring, that *capital punishment* be inflicted upon all concerned in this atrocious assault. But this despotic monarch, who had acquired some ideas of civilization, but none of liberty, was astonished to be informed, that in England the laws were no less obligatory upon the sovereign than the subject, and that *they* authorised no such punishment. The persons who committed the arrest were tried in the court of queen's-bench by lord-chief-justice Holt, and found *guilty*. But, on arguing the point of law, the court was finally compelled to dismiss the action. In order, however, to give all the satisfaction possible to the czar, an Act was subsequently passed for securing the privileges of ambassadors and foreign ministers ; a beautiful copy of which, finely illuminated and transcribed on vellum, was presented to the czar by Mr. Whitworth the English envoy ; who at the same time acknowledged and apologized, by the queen's order, for the previous insufficiency of the English laws to punish so heinous an offence. On which the czar graciously declared his acceptance of the apology, verbally to the envoy, and also by a letter written with his own hand to the queen ; and this embarrassing business was finally adjusted with much good sense and good temper on both sides.

On the 28th of October, 1708, died his royal highness prince George of Denmark, who had been twenty-five years married to the queen. His total want of talents, his unambitious disposition and mildness of temper very happily combined

combined to qualify him for the peculiar critical station in which high fortune had placed him, and in which a man of more shining abilities and more daring ambition might have proved singularly troublesome and dangerous. The earl of Pembroke succeeded the prince in the elevated post of lord-high-admiral, though already sustaining the offices of president of the council and lord-lieutenant of Ireland, both of which he now resigned. The former was given to lord Somers, and the latter to the earl of Wharton. And the earl of Pembroke finding the business of the admiralty too burdensome, it was after a short interval again put into commission—the earl of Orford being first lord commissioner. The administration now, therefore, was once more constituted entirely of whigs, who, to outward appearance, were fixed on a firm and immovable foundation: but the ground was undermined beneath them; and they were themselves but too sensible that they no longer possessed the regard or confidence of the sovereign.

The new parliament met on the 16th of November, 1708, and chose sir Richard Onslow speaker. On account of the recent death of the prince of Denmark, the queen did not open the session in person; but the lord chancellor, in the name of the commissioners, delivered a speech on the usual topics, concluding with the declaration, “that her majesty will always endeavor, on her part, to make her people happy to such a degree as that none shall enter into measures for the disturbance of her government, the union, or the protestant succession as by law established, without acting at the same time manifestly against their own true and lasting interest, as well as their duty.” The whigs having a decided ascendancy in this parliament, there was little scope for important or interesting debate during the present session. A few questions, however, occurred worthy of historic notice. The lords Haddo and Johnstown, eldest sons of Scottish peers, being returned as representatives of the shires of Aberdeen and Linlithgow, petitions

petitions were presented against them as incapable by the Act of Union of sitting in the house of commons. By an Act of the Scottish parliament, regulating the mode of electing Sixteen Peers and Forty-five Commoners of that kingdom to represent Scotland in parliament—and ratified by the Act of Union, it was declared, “that none shall be capable to elect or be elected to represent a Shire or Burgh in the parliament of Great Britain, but such as are now capable to elect or be elected as Commissioners for Shires or Burghs to the parliament of Scotland.” And several instances were alleged of the rejection of the eldest sons of peers by the Scottish parliaments—particularly the son of viscount Tarbat in 1685, and of lord Levingstone in 1689. The case being clearly made out, new writs were issued for the counties of Aberdeen and Linlithgow.

The duke of Queensberry having been created an English peer by the title of duke of Dover, and taken his seat in parliament as such, had nevertheless claimed his privilege of voting as a peer of Scotland in the election of the sixteen peers. This precedent was objected against as inequitable and dangerous, and, on a division, the matter in dispute was determined against the duke of Queensberry, though supported by the influence of the court. This nobleman now occupied the office of third secretary of state; and to him was committed the entire management of the affairs of Scotland.

A remarkable law, originating in the terrors excited by the late invasion, was passed in the course of the present session for the regulation of trials for high treason in Scotland. By a clause of this act torture was abolished, and the forms of procedure in the Scottish judicatures were assimilated nearly to the mild and equitable practice of the English courts. But, as a heavy drawback on this indulgence, the pains and forfeitures of the English law were extended to Scotland. This was vehemently opposed by the Scottish members, who declared it to be incompatible
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with the perpetual entails of the greater part of the Scottish landed estates; and since by the Act of Union all private rights were expressly reserved, it was inferred that no breach could be made on those settlements. After much debate, the house of commons inserted a clause, that no estate in land should be forfeited upon a judgment of high treason. The lords agreed to the amendment with this proviso—moved, as History cannot without conscious blushes state, by lord SOMERS—“that it should not take place till after the death of the pretender.” This made the Bill odious in Scotland, notwithstanding the general mildness and equity of its provisions; and the term of its duration being at a subsequent period extended to the death of the sons of the pretender, it still unhappily exists a monument of national revenge and injustice.

Towards the end of the session an Act of Grace, expressed, as the enemies of the minister maliciously observed, in terms remarkably full, pardoning all treasons, &c. committed before the 19th of April, 1708, passed without any difficulty, and with the usual compliment of thanks; and on the 21st of April, 1709, the parliament was prorogued.

During the whole of the present session, under the auspicious direction of the present whig ministers, the convocation was not suffered to sit. For when the day came on which it was to be opened, a writ was sent from the queen to the archbishop, ordering him to prorogue the convocation for some months; at the end of which term came a second writ ordering a second prorogation; by which means a stop was put to much factious clamour, noise, and nonsense. But the high-church party gave out that the queen's heart was with them, though the war and other circumstances obliged her at present to favor the adverse party—which indeed was the real truth.

FRANCE, being now reduced to great extremities by the unparalleled series of misfortunes which had attended her arms, as well as by the decline and almost extinction of public

public credit from the unjust and despotic measures of finance adopted by the court, again entertained serious thoughts of peace; and after the departure of the duke of Marlborough to England, M. Rouillé was sent to Holland to treat with the States upon the subject. But their high mightinesses, though they permitted him to enter the country, would admit no communication without the knowledge and participation of their allies the queen of England and the emperor. In the beginning of April, 1709, prince Eugene and the duke of Marlborough arrived at the Hague, and in concert with the pensionary and the deputies of the States held several conferences with M. Rouillé; whose overtures were declared to be unsatisfactory, and the duke returned in a few days to London. The French court, unwilling to relinquish all hope of pacification, resolved upon this intelligence to send M. de Torcy, minister for foreign affairs, to the Hague, in person, in order to renew the negotiation. The duke of Marlborough and lord Townshend, a young nobleman rising into political eminence, and now joined with the duke in this important commission, immediately repaired thither a second time: and count Zinzendorf also arrived nearly at the same time from Vienna as joint plenipotentiary with prince Eugene. The conferences were now revived with fresh ardor; and such concessions made by M. de Torcy on the part of the French king as the dire necessity of his affairs demanded—such indeed as amply secured the interests, and ought to have satisfied the utmost ambition of the allies. The French minister, having gone without avail to the utmost extent of his commission, required a specification of the terms on which the allies would grant peace to France. Preliminary articles were accordingly framed and even signed by the ambassadors of the allied powers; which M. de Torcy was authorized to lay before his most christian majesty, and to which he promised that a final answer should be given on or before the 4th of June ensuing (1709). The articles imported in substance,

stance, "That the most christian king shall acknowledge Charles III. as king of Spain; that in two months Sicily shall be put into the hands of king Charles; and the duke of Anjou shall evacuate Spain; to which if he refuses his consent, the French king and the allies shall enter into proper measures for its enforcement—that the French king shall deliver up Straßburg and Landau to the emperor, and demolish New Brisac, Fort-Louis, and Huninghen—that he shall acknowledge the queen of Great Britain and the protestant succession—that he shall demolish Dunkirk, and cause the pretender to retire from France—that he shall deliver up Furnes, Menin, Ypres, Warneton, Commines, Werwick, Poperingen, Lisle, Condé, and Maubeuge for the barrier of the States—that he shall make over Exilles, Fenestrella, and Chemont, with the valley of Pragelas, &c. for a barrier to the duke of Savoy—that the *pretensions* of the electors of Bavaria and Cologne shall be referred to the general negotiation—that the allies shall be allowed to make farther demands at the general congress—that the suspension of arms shall terminate at the end of two months if the whole Spanish monarchy be not surrendered up before that time." The king of France, deriving courage from despair, determined to reject these exorbitant demands; and on the 4th of June, prince Eugene, being then at Brussels, received a letter from M. de Torcy, importing "that his most christian majesty, having examined the project of peace concluded at the Hague, found it impossible for him to accept it." The article, which chiefly influenced his decision was the last, which, as he affirmed, "made the continuance of peace to depend upon a condition not in his power to execute—though he consented to recognize the archduke as king of Spain, and to withdraw all assistance from the reigning monarch."

This negotiation, though unsuccessful, answered nevertheless a good purpose to the king of France, who in an
 appeal

appeal to the French nation stated the preliminaries insisted upon by the allies. "I order you," says the most christian king in his circular letter to the archbishops and bishops of his kingdom, "to acquaint my people within the extent of your government, that they should enjoy peace, if it had been in my power, as it was in my will, to procure them a good they wish for with reason; but which must be obtained by new efforts, since the immense conditions I would have granted are useless towards the restoring of the public tranquillity." This had a powerful effect upon that great and high-spirited people, who declared their readiness to suffer all, and to sacrifice all, rather than submit to such ignominy. Even in England the impression made was very visible. It seemed unnatural, and contrary to every feeling of humanity, to compel the king of France to become a party in dethroning a prince of his own blood. All persons of moderation and reflection saw clearly, from the terms now offered and refused, that the war was in future to be continued merely to gratify the immeasurable ambition of the house of Austria; and that, exclusive of the flagrant injustice of forcing on the Spaniards a sovereign who was the object of the national abhorrence, the policy of the measure was in present circumstances extremely doubtful. For, the power of France being so greatly reduced, while the grandeur of the Imperial family was elevated in the same proportion, no less danger was to be apprehended from transferring Spain and the Indies to the house of Austria than by leaving them in possession of a prince of the house of Bourbon. From this æra the unpopularity of the war and of the existing whig administration may undoubtedly be dated. The tories saw and improved the advantage thus impolitically afforded them: * and, to the honor of the people

* Vide Swift's *Conduct of the Allies*—a tract of great importance, as containing an excellent and admirable summary of the tory arguments against the war.

people of England, no sooner were they convinced of the injustice of the war than it became the subject of general reprobation. "There may," says lord chancellor Clarendon, "be better earth, better air, and a warmer sun in other countries; but England is an inclosure of the best people in the world, when they are well informed and instructed."

All negotiation being now at an end, the campaign in Flanders was opened in June, 1709, by the siege of Tournay, which surrendered at discretion, after a long and obstinate resistance. The allies next prepared to attack the city of Mons. But the French army, now commanded by marechal Villars, posting themselves behind the woods of La Merte and Tanieres, in the neighborhood of Malplaquet, in order to obstruct this design; the duke of Marlborough and prince Eugene formed a resolution to attack the French general in his camp, which, naturally strong, he had fortified with redoubts behind redoubts and entrenchments behind entrenchments, with such diligence and skill as to make it apparently inaccessible. After an obstinate, fierce and bloody engagement, however, the lines were forced; but not till 30,000 men were left dead upon the field—a horrid sacrifice to the insatiable demon of war. Marechal Villars, after a signal display of skill and valor, was wounded, and compelled to retire from the scene of action: but marechal Boufflers, second in command, made an excellent retreat; and the loss of the victors was little less than that of the vanquished. The victory, however, was crowned by the taking of Mons; after which both armies went into winter-quarters.

The elector of Hanover again took upon him the command of the army upon the Rhine; but count Merci, being detached with a considerable body of troops to make an incursion into Franche Comté, was repulsed with loss by M. Harcourt, who conducted the opposite army: and the remaining operations of the campaign were entirely defensive.

A dispute

A dispute arising between the courts of Vienna and Turin respecting the promised cession of some districts of the Milanese to the latter, the duke of Savoy refused to take the field this year in person ; and his general, count Thaun, after some feeble efforts to penetrate into the French territory, repassed the Alps, and marched back to Piedmont about the end of September.

The Spanish and Portuguese armies on the frontier of Portugal were prepared for action early in the spring ; and the marquis das Minas, contrary to the advice of the earl of Galway, determining to pass the Coya in face of the enemy commanded by the marquis de Bay, was defeated with loss—the British infantry, as usual, fighting heroically, and being abandoned as usual by the Portuguese cavalry. The earl of Galway, as brave as unfortunate, had a horse shot under him, and very narrowly escaped being taken. This able general afterwards chose his posts along the Guadiana, to the banks of which he retreated, so judiciously that the marquis de Bay could make no advantage of his victory.

On the eastern side, the town and castle of Alicant surrendered to the Spaniards, after a long and most pertinacious defence. The enemy, who had formed the blockade early in the month of December, 1708, finding all other means ineffectual, resolved to blow up the rock on which the castle stands ; and a mine being excavated with immense labor was filled with 1500 barrels of powder. The chevalier D'Asfeldt, who directed the operations of the siege, generously reluctant to carry his purpose into execution, summoned the governor, colonel Syburg, to surrender, and at the same time permitted him to send out two of his officers to view the condition of the mine. This produced no change in the resolution of the governor ; and, the signal being next day made for firing the mine, he walked with several officers to the parade, and ordered the guard to retire : which was no sooner done but the mine was
blown

blown up, and with little or no noise made, on the very parade, an opening in the rock of some yards in length and about three feet wide, into which the governor and divers other officers fell : and, the opening instantly closing upon them, they all perished. Notwithstanding this horrid catastrophe, colonel D'Albon, upon whom the command devolved, refused to capitulate. Great admiration being excited by so extraordinary defence, a council of war was held at Barcelona, in order to concert effectual measures for their relief : and general Stanhope in person undertook the command of an armament destined for that purpose ; but the weather proved so tempestuous that the troops could not disembark. At length, provisions failing, and the garrison being reduced to extremity, general Stanhope sent a flag of truce to the Spanish commander, offering to surrender the castle of Alicant upon honorable terms ; which were granted without hesitation, and the garrison marched out, on the 18th of April, 1709, with two pieces of cannon and all the honors of war, and were immediately embarked for Minorca, and distributed into quarters of refreshment. On the frontier of Catalonia marechal Staremborg passed the Segra, and captured the town of Balaguer—the garrison being made prisoners of war : after which exploit he contented himself with acting upon the defensive, and by his vigilance and skill he prevented the enemy from gaining, with all their superiority of force, any advantage over him.

The autumn of this year was distinguished by the total defeat of the king of Sweden by the czar at Pultowa. Resolving to invade Muscovy, he had engaged himself so far in the Ukraine that there was no possibility remaining of retreat. He therefore, relying upon his fortune, passed the Nieper, and invested the important fortress of Pultowa. The czar marched at the head of a far superior army to raise the siege. The king of Sweden nevertheless determined to risque a battle ; but he soon found that he had not now

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to contend with the undisciplined rabble of Narva. The czar, by unwearied assiduity and perseverance, had converted his boors into foldiers. There was also no mean display of generalship on the part of the Russians; and in the end the Swedes were compelled to quit the field with the loss of their camp, artillery and baggage. Being closely pursued, the whole army, having neither bread nor ammunition, found themselves reduced to the dreadful necessity of surrendering as prisoners of war. The king of Sweden himself, with a few followers, passing the Nieper, took refuge in the Turkish dominions, fixing his residence at Bender. Upon this great reverse of his affairs, king Augustus, declaring his renunciation of the crown forced and void, returned to Poland; which his rival Stanislaus was in no less haste to abandon, finding himself utterly unable to make any effectual resistance. The kings of Denmark and Prussia embraced this apparently-favorable opportunity to renew the war against Sweden. But the Danes, passing over the Sound to Schoenen, March 1710, were unexpectedly attacked and entirely defeated by the Swedish militia; and leaving behind them their horses, provisions and baggage, the remainder of their army embarked precipitately for Elsinore.

After the termination of the campaign in the Netherlands, the French court renewed, in a covert manner, their overtures for peace; and applied, through the mediation of M. Petkum, resident from the duke of Holstein at the Hague, that passes might be granted for some ministers from France to come to Holland and renew the conferences; or otherwise, that M. Petkum should be permitted to go to France in order to concert some expedient that might facilitate the same general purpose. The first the states refused, but they consented that Petkum should go to France; which he did the latter end of November. While these negotiations were carrying on, king Philip published a manifesto, wherein he protested against all that should
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be acted to his prejudice as null and void ; and declared his resolution to adhere to his faithful Spaniards as long as there was a man of them that would stand by him. After an interval of a few weeks, Petkum returned with a proposal to resume the negotiations in form : and, at the same time, with a frank and open avowal from his most christian majesty, that it would be impossible for him to execute the thirty-ninth article of the preliminaries relative to the evacuation of Spain, even if he should sign it. On which their high mightinesses not only refused to resume the negotiations, but wrote letters to the emperor and the diet, and the other powers of the alliance, exhorting them to prosecute the war with redoubled vigor.

The parliament met on the 15th of November, 1709 ; and the necessity was again inculcated of making fresh efforts against the common enemy, who was said “ to use all their artifices to amuse with false appearances and deceitful insinuations of their desire of peace, in hope that from thence means might be found to create divisions or jealousies among the allies.” The war, however, became every day more unpopular in England ; and the majority of the nation began loudly to complain, that thanks were year after year returned to the duke of Marlborough for his public services ; when it became every day more apparent that he was actuated chiefly by private considerations, and that he invariably opposed all overtures of conciliation, prompted by the suggestions of ambition and of interest. In order, however, effectually to check and intimidate that rising spirit of discontent, evident symptoms of which appeared in every part of the kingdom ; and to display the firmness of their attachment to those principles in which this once-popular war had originated, the parliament determined to give full scope to their vengeance on an occasion which certainly called for no such extraordinary violence of exertion.

On

On the 5th of November, 1709, an obscure clergyman of the high-church faction, of the name of Sacheverel, preaching at St. Paul's cathedral upon the words of St. Paul "Perils from false brethren," indulged himself in the most virulent defamation and abuse of the present administration and of their measures. The lord-treasurer in particular was scurrilously attacked by the name of VOLPONE; and divers of the right reverend bench were also inveighed against with much scorn and malignity, as "perfidious prelates and false sons of the church," on account of their moderation respecting the dissenters, and their avowed approbation of the Toleration. He asserted in terms the most unqualified the doctrines of passive obedience and non-resistance; and pretended that to say the Revolution was inconsistent with those doctrines was to cast black and odious imputations upon it. He affirmed that the church was violently assailed by her enemies, and faintly defended by those who professed themselves her friends. He vehemently urged the necessity of standing up in defence of the church, for which he declared that he sounded the trumpet, and exhorted the people "*to put on the whole armour of God.*" This inflammatory and libellous harangue, being published at the request of the lord mayor, was extravagantly extolled and applauded by the tories, and circulated by them with great industry throughout the kingdom. At the very height of the popular ferment and clamor excited by this extraordinary invective, and which would doubtless have soon died away had no public notice been taken of it, a complaint was formally preferred to the house of commons, by one of the members of that house, of this sermon, as containing positions contrary to Revolution principles, to the present government, and to the protestant succession. As it was by this means obtruded upon the notice of the house, it was impossible not to express in some mode their disapprobation of these nefarious and seditious tenets. The wiser members thought it sufficient to order the sermon to be

be burnt by the hands of the common hangman, and to commit the writer to Newgate during the remainder of the session. This, however, was by no means satisfactory to the majority, who determined to raise this contemptible libeller to the rank of a political delinquent of great consequence and dignity, by a solemn parliamentary impeachment at the bar of the house of lords. No sooner was this absurd and unaccountable resolution made public, than every possible artifice was put in practice by the tory faction to inflame the minds of the public, and to represent Sacheverel as the champion and martyr of the church, which the whigs had, as they affirmed, a fixed intent to subvert; and of which project the impeachment of Sacheverel was only the prelude. These calumnies, however gross and palpable, were swallowed by the populace with amazing avidity. During the trial, which lasted three weeks, his coach, in passing between Westminster-hall and the Temple, where he then lodged, was constantly attended by vast multitudes with shouts and acclamations of applause. And great tumults prevailed in the metropolis, where several places of worship licensed under the Act of Toleration were pulled down: the houses of many of the most eminent dissenters were plundered, and those of the lord-chancellor, lord Wharton, the bishop of Sarum, &c. were threatened with demolition.

The managers of the house of commons, amongst whom were the celebrated names of KING, STANHOPE and WALPOLE, nevertheless exerted themselves with great courage and ability in support of the prosecution; and divers of the lords, spiritual as well as temporal, distinguished themselves by the liberality of their remarks upon this interesting occasion. The earl of Wharton, knowing at the time the queen to be in the house *incognita*, took the opportunity to observe, “that if the Revolution was not lawful, many in that house, and vast numbers out of it, were guilty of bloodshed and treason; and that the queen herself was no legal sovereign,

sovereign, since the best title she had to the crown was her parliamentary title founded on the Revolution." Dr. Wake, bishop of Lincoln, remarked "that by false and injurious insinuations men had been made to believe the church to be in danger, when in reality it enjoyed the most perfect security; but that such invectives, if not timely corrected, might kindle such heats and animosities as would truly endanger both church and state." And Burnet, bishop of Sarum, justified the principle of resistance without reserve. He mentioned the conduct of queen Elizabeth, who had assisted the French, the Scots and the Hollanders in resisting their respective sovereigns, and who was supported in this practice both by her parliaments and her convocations. He observed, "that king Charles I. had assisted the city of Rochelle; and that Mainwaring had incurred the severest censure of parliament for broaching the doctrine of the divine right of kings—that though this became afterwards a fashionable doctrine, yet its most zealous assertors were the first to resist, when actually suffering under oppression. He said, that by inveighing against the Revolution, the Toleration, and the Union, the delinquent at their lordships' bar had arraigned and attacked the queen herself; since her majesty had a distinguished share in the first, had often declared she would maintain the second, and that she looked upon the third as the most glorious event of her reign. He affirmed, that this audacious libeller had likewise cast the most scandalous reflections upon her majesty's ministers; and that he had particularly drawn the portrait of a noble peer then present, in colors so lively, and had so plainly pointed him out by a vile and scurrilous epithet, which he would not repeat, that it was impossible to mistake in making the application." This unintentional sarcasm on the lord-treasurer somewhat discomposed the gravity of the house; and, in violation of dignity and decorum, the bishop was loudly called upon to name him; which in the fervor of his zeal, and in the wanderings of that mental absence for which he

was

was remarkable, he might perhaps have done, had not the lord-chancellor interposed, and declared that no peer was obliged to say more than he himself should deem proper. In conclusion, Sacheverel was after high debates found guilty of a misdemeanor, by a majority of 17 voices only—52 to 69; and he was adjudged to be suspended from preaching for the space of three years, and his sermon ordered to be publicly burned. And to the same flames was also somewhat whimsically, though very deservedly, committed the famous Decree of the University of Oxford, passed near thirty years before, asserting the absolute authority and indefeasible right of princes.

This mild sentence cast an air of ridicule over the whole proceedings, and was considered as equivalent to an acquittal by the tory faction, who celebrated their triumph by bonfires and illuminations, not only in London, but over the whole kingdom. These rejoicings were succeeded by numerous addresses, expressive of a zealous attachment to the church, and an utter detestation of all anti-monarchical and republican principles. And in a progress which Sacheverel afterwards made into a remote part of the country, he was sumptuously entertained by the university of Oxford, invited to the palaces of different noblemen, received in many towns by the magistrates in their formalities, and generally attended by a numerous escort of horse. In other places the hedges were ornamented with garlands of flowers, the steeples were covered with streamers and flags, and the air every where resounded with the cry of “the Church and Sacheverel.” The enthusiasm spread like a contagion through all ranks and orders of people. Men seemed to suffer a temporary dereliction of sense and understanding, and the mob and the nation were for a time terms of the same import. No martyr suffering in the glorious cause of civil and religious liberty was ever perhaps so much the object of public applause and veneration, as this wretched and fanatical preacher of nonsense, impiety, and sedition.

Encouraged

Encouraged by the disposition now universally prevalent, the queen gave the first public indication of her total change of system by dismissing the marquis of Kent, April 1710, and giving the office of chamberlain to the duke of Shrewsbury. This nobleman, after passing some years on the continent, had recently returned to England; and, to the great chagrin of the whigs, had on all the late questions voted with the tories—probably as the rising party. The lord-treasurer, to whom the queen had by letter communicated her intention on the eve of its execution, and who pretended to hope that this change would meet with his approbation, too well comprehending the meaning of it, wrote a strong expostulatory epistle to the queen; in which he expresses his “conviction, that she was suffering herself to be guided to her own ruin and destruction, as fast as it was possible for those to compass it to whom she now seemed so much to hearken.” This letter made no impression upon the queen, who had indeed disposed of the chamberlain’s staff two days before she received it. About the beginning of June, the design of dismissing the earl of Sunderland began to be publicly talked of; on which the duke of Marlborough then abroad, wrote to the queen, stating in the most energetic terms the pernicious consequences of this step, and “the alarm and distrust it would excite in all foreign courts.” The duchess of Marlborough also most injudiciously and officiously interposed in behalf of the earl, making it “her last request that her majesty would defer the blow till the end of the campaign. This,” she added, “she begged upon her knees.” This meanness might perhaps hasten, certainly it did not retard, the execution of the design; for on the 14th of June, lord Sunderland was dismissed, and the seals given to the earl of Dartmouth. A step so decisive gave the utmost alarm to the whole whig party, at whose suggestion, probably, count Gallas, the Imperial minister, and M. Vryberg, the Dutch resident, represented to the queen the ill effects which

which a change of the ministry would produce on the whole political system. In answer to their respective memorials, the queen declared her resolution, whatever changes might be in contemplation, to continue the duke of Marlborough in his employments. In August the lord-high-treasurer Godolphin was ordered to break his staff, and the treasury was put into commission—earl Paulet being appointed the first commissioner. But this appointment was considered as merely nominal; Mr. Harley, who was constituted chancellor of the exchequer, being regarded as chief or rather sole minister. In October, the queen came in person to the council, and ordered a proclamation to be issued for dissolving the parliament; upon which the lord-chancellor rose to speak; but the queen declared “that she would admit of no debate, for that *such was her pleasure.*” At the same time she dismissed the lord Somers, and made the earl of Rochester president of the council. The duke of Buckingham was declared lord-steward in the room of the duke of Devonshire. The seals in the possession of Mr. Boyle were given to Mr. St. John. The lord-high-chancellor Cowper was succeeded by sir Simon Harcourt. The earl of Wharton resigned the government of Ireland, and the earl of Orford his seat at the head of the admiralty. The duke of Marlborough alone was still suffered to retain his employments, which he was deterred from resigning by the pressing entreaties of the emperor and the states-general, who conceived the fortune of the war to be in a great measure attached to his person.—The tories were in the highest degree elated at these changes, extolling the queen “for asserting her just prerogative, and setting herself free from an arbitrary junto who kept her in an inglorious dependence on their will and caprice.” And the duke of Beaufort congratulated her majesty “on his being now able to salute her queen.”

Early in the year 1710, M. Torcy sent another project of peace to M. Petkum, containing some modifications of the

preliminary articles, and offering three fortified towns in Flanders as a pledge for the execution of the thirty-seventh article, respecting the restitution of the monarchy of Spain. M. Petkum, having communicated with the pensionary and the plenipotentiaries of the emperor and the queen, returned an answer importing "that the allies required his most christian majesty should declare in plain and expressive words, that he consented to all the preliminaries except the thirty-seventh article; which done, the allies would send passports to his ministers to treat of an equivalent for that article." The French king at length reluctantly assented to this proposition; and the marechal D'Uxelles and the abbé de Polignac were appointed plenipotentiaries from his most christian majesty to meet those of the states-general, to whom the management of this negotiation was committed, at Gertruydenberg, the place ultimately fixed upon for the congress. The first expedient offered by the French negotiators was, that king Philip should resign Spain and the Indies to the archduke, and be allowed to retain Naples and Sicily: but this was refused with disdain; as was also a second proposal for ceding to him the kingdom of Arragon. Finally, the abbé de Polignac offered in the name of the king his master, that the whole Spanish monarchy should be surrendered to the archduke, Sicily and Sardinia excepted; and that if king Philip should not acquiesce in this proposal, his most christian majesty, though he could by no means declare war against the king his grandson, would yet furnish a sum of money towards the charges of a war to be continued against him till he had surrendered Spain and the West Indies to the house of Austria. This concession being reported to the Imperial and British ministers, the following written answer was with their concurrence returned—

"1st, that the proposal ultimately made by the French king, was not acceptable to the allies—as tending to produce not a general but a separate peace. 2dly, that the
allies

allies insisted to have Spain and the Indies delivered up, according to the tenor of the preliminaries. 3dly, this foundation being laid and agreed upon, the allies would consent to continue the conferences. At the urgent instance of the French plenipotentiaries, another interview, which proved to be the last, took place for the purpose of explanation. Upon this occasion high language was used on both sides. The Dutch deputy Vanderdussen reproaching the French court with insincerity; the abbé de Polignac retorted by some severe reflections on the ingratitude and insolence of the Dutch in relation to France, by whose powerful assistance they had attained to the rank of an independent and sovereign power. And the French ministers finally broke up the conferences, declaring the proposals made by the deputies of the states to be unjust, and impossible to be executed; and on the 25th of July they quitted Gertruydenberg in order to repair to their own court, which, it was observable from that period, seeing probably a new scene of things opening in England, began to talk of peace with an air of coldness and indifference.

By this time great progress had been made in the military operations of the summer. Prince Eugene and the duke of Marlborough had again taken the field, April 1710; and the success of the campaign was equal to the expectations excited by the junction of such extraordinary talents. Notwithstanding the utmost exertions of M. Villars, who directed the operations of the French army with great ability, the allies successively reduced the towns of Douay, Bethune, St. Venant, and Aire, passing, in the prosecution of these sieges, one hundred and fifty days in open trenches. Nothing worthy of notice occurred on the Rhine, where count Gronsfelt this year commanded, in consequence of the resignation of the elector of Brunswic. In Piedmont the campaign was likewise wholly defensive.

The most interesting events of the present summer happened in Spain. The reigning monarch, eager to put a

final termination to the hopes and claims of his competitor, advanced at the head of a powerful army into Arragon, in order to bring matters to a decisive issue. General Stanhope, notwithstanding, with a force very inferior, attacked and totally routed the Spanish cavalry at Almanara—displaying on this occasion all the romantic valor of the heroes of Roncesvalles, and killing with his own hand the Spanish commander Amessaga, who had personally and furiously assailed him. Count Staremberg, following the motions of the king, who found it necessary in consequence of this check to retire towards Saragossa, discovered the Spanish army drawn up in order of battle near that place; and an engagement ensuing, August 9, 1710, the enemy were entirely defeated. King Charles entered Saragossa in triumph, while Philip retired with the wreck of his army to Madrid. The good fortune of Charles was however of short duration. Proceeding without delay to Madrid in pursuit of his competitor, he had the mortification to find that city entirely deserted by all the Spanish grandees, and to receive the most convincing proofs of the fidelity and attachment of the Castilians to his rival. Great efforts being made by Philip to collect another army, and the court of Versailles exerting itself on the intelligence of the late disasters to send large re-inforcements into Spain, and, which was a circumstance of no small importance in a crisis like the present, with the duc de Vendome at their head; the Spanish monarch soon appeared again in great force. And count Staremberg, being wholly unsupported, in the heart of an enemy's country, and apprehending his retreat to Catalonia might be intercepted, thought it expedient to retrace his footsteps: and in the beginning of November his army marched back to Saragossa. But the greater part of the British forces, under general Stanhope, halting imprudently at Brihuega, were suddenly surprised and surrounded by the Spanish army, and reduced to the fatal necessity of surrendering themselves prisoners of war: and in a few days afterwards

Staremberg

Staremborg himself was attacked at Villa Viciofa with great valor but doubtful success. He was however compelled, victor as he styled himself, to abandon Arragon, and retire to Catalonia; and being closely pursued by the duc de Vendôme, he was at last driven to take shelter under the walls of Barcelona. Thus the flattering successes of the allies at the commencement of this campaign proved wholly delusive; and during the remaining years of the war Charles was never able to regain even a temporary superiority.

The new parliament, which met on the 25th November, 1710, was composed almost wholly of tories—the popular violence in the late general election being such as made it scarcely safe to vote for a whig. Mr. Bromley was chosen Speaker with little or no opposition. In the speech from the throne the queen “recommended the carrying on the war in all its parts, particularly in Spain, with the utmost vigor. She declared her resolution to support and encourage the church of England as by law established, to preserve the British constitution according to the Union, and to maintain the *indulgence allowed by law to scrupulous consciences*. And that all these,” said the queen in conclusion, “may be transmitted to posterity, I shall employ none but such as are heartily for the protestant succession in the house of Hanover, the interest of which family no person can be more truly concerned for than myself.” The addresses were in the same unexceptionable strain; so that the use of the obnoxious phrase *INDULGENCE of scrupulous consciences* was the only indication of the predominance of tory principles.

In December the duke of Marlborough arrived in London, and was received with the usual popular acclamation. His grace manifested no resentment at what had passed. He visited and was visited by the heads of the present administration, and, being strongly solicited by the states-general and the emperor to continue in the command, seemed
resolved

resolved to acquiesce in the new order of things. Convinced at length, however slow to believe, that the duchess of Marlborough must relinquish every hope of regaining the lost affection of her sovereign, he carried a surrender of all her places to the queen, who divided them between the duchess of Somerset and Mrs. Masham.

The house of commons, actuated by the rage of party, eagerly sought occasions to display their hatred to the principles and persons of their predecessors. Though the earl of Godolphin had been one of the most incorrupt of ministers, a vote of censure passed upon him on pretence that his accounts were not regularly audited. For the sake of offering an indignity to the memory of king William, the house of commons ordered in a bill empowering commissioners to examine all grants made by that monarch, and to report the value of them, and the considerations upon which they were bestowed. This, however, was rejected by the lords. Great pains were taken to fix a stigma upon the character of the duke of Marlborough; and the customary perquisites which he received in the capacity of commander in chief were voted to be unwarrantable and illegal. It was resolved by the house, that the sums so received ought to be accounted for as public property; and the queen in the sequel ordered the attorney-general to commence a prosecution against the duke for money actually received by virtue of her own warrant. An enquiry was again set on foot in the upper house into the conduct of the war with Spain. The tories, having now obtained an ascendancy in that house in consequence of the accession of the sixteen Scottish peers, came to a resolution, "That the earl of Peterborough had given a very faithful, just and honorable account of the councils of war in Valencia, and that the adoption of the opinion of the earl of Galway and general Stanhope for the prosecution of offensive measures was the *unhappy occasion* of the battle of Almanza and our consequent misfortunes in Spain." And the earl of Peterborough was thanked for his
great

great and eminent services. But a strong protest was entered against this resolution, signed by thirty-six peers, in which their lordships most justly remark, that the advice thus censured, was in the then circumstances fit and proper to be given—and that the loss of the battle of Almanza was to be attributed to subsequent causes wholly foreign to the advice in question.

A singular incident occurred at this time, which contributed much to raise the credit and popularity of the new minister, Mr. Harley. A person calling himself the marquis de Guiscard, a French refugee, who had been refused, or deprived of, a pension by Mr. Harley, being subsequently apprehended on suspicion of carrying on a treasonable correspondence with France, and examined before the council-board, made a sudden and desperate attempt to stab him in the breast with a pen-knife. Fortunately the knife, lighting on the bone, broke short, and the hurt was comparatively slight. Guiscard was secured, not without some difficulty, and after receiving several wounds, of which he soon after died in prison. On this event, an Act passed to make an attempt on the life of a Privy-Counsellor to be felony; and both houses of parliament joined in an address to the queen, expressing “their great concern for this barbarous and villainous attempt on the person of Mr. Harley, whose fidelity to her majesty and zeal for her service had drawn upon him the hatred of all the abettors of popery and faction.”—Another fortunate circumstance for Mr. Harley was the sudden death at this period of the earl of Rochester, a nobleman of great ambition, abilities, and popularity; between whom and Harley strong symptoms of jealousy and competition had already appeared. Immediately consequent to this event, Mr. Harley was raised to the dignity of lord-high-treasurer, and created earl of Oxford and earl Mortimer—two of the noblest titles in English heraldry.

On the 12th of June, 1711, the queen came to the house, and, in a speech containing fresh assurances of her
earnest

earnest concern for the protestant succession, prorogued the parliament.

The convocation, which met at the same time with the parliament, chose the famous Atterbury prolocutor. Soon after, the queen sent them a licence under the great-seal to sit and do business in as ample a manner as was ever granted since the Reformation. By this licence they were empowered to enter upon such consultations as the present state of the church required, and especially of such matters as she should lay before them. Immediately a committee was appointed to draw up a representation of the present state of religion and the church, which contained a most virulent declamation against the government from the time of the Revolution. This was ascribed to the pen of Atterbury—but the bishops disapproving the terms in which it was framed, a contest between the two houses, as usual, ensued.* But their attention was soon diverted to another topic. Whiston, the famous mathematical professor at Cambridge, had recently published a book, in which he attempted to revive and defend the antient Arian heresy; for which he was expelled the university. Upon this, he wrote a vindication of his doctrine, and dedicated it to the CONVOCATION; for which astonishing instance of effrontery, the orthodox sons of the church determined to make him feel the effects of their resentment. But the archbishop Tennison, a mild and tolerant prelate, stated it as a doubt whether this assembly had any clear warrant for proceeding criminally against a man for heresy. The judges being consulted, were divided in opinion; eight affirming with some hesitation, that they could; and four with great positiveness, that they could not proceed in such a case. With the terrible penalties of a premunire in prospect, it was necessary therefore to act very cautiously; and their lordships satisfied themselves with extracting certain propositions from the book in question, which they censured as false and

* Burnet, vol. iv. p. 324.

and heretical; in which the lower house concurred. This the archbishop transmitted to the queen for her assent, who promised to consider of it; but she did not send any answer during the sitting of the convocation. Neither at their next meeting in the ensuing winter did the expected answer appear. And two bishops being at length deputed to ask for it, she declared, that she could not tell what was become of the archbishop's paper: so a new extract of the censure was again sent to her—but no answer ever arrived, and Whiston's affair remained undecided; Harley and St. John, the new ministers, probably regarding the whole proceeding with secret dislike and contempt.

About this period died Joseph, emperor of the Romans—an event of great political importance, as it manifestly afforded a fair opening to renew the overtures for a general peace, which was now suspected to be not less the object of the eager wishes of the court of London than of that of Versailles. The general state of politics on the Continent had undergone little alteration since the great and decisive battle of Pultowa. By his incessant intrigues and machinations at the Porte, the king of Sweden had prevailed upon the grand seignor, Achmet III. to declare war against Muscovy. And the czar, advancing with great indiscretion and dangerous contempt of his enemy far into the Turkish territories, was surrounded by the grand vizier in his camp near the banks of the Pruth, his supplies of provision cut off, and he himself reduced to the necessity of purchasing a peace by the sacrifice of Asoph and his other conquests. In Germany, the king of Denmark unsuccessfully attempted the sieges of Stralsund and Wismar, and he incurred the infamy of violating the peace, without as yet obtaining any sort of advantage by the renewal of the war.

In the month of May, 1711, the duke of Marlborough appeared for the last time at the head of the grand army in Flanders—prince Eugene commanding a separate body of forces on the Rhine. This campaign was not distinguished

on

on the part of his grace by brilliant success, but it attracted uncommon attention as exhibiting the most consummate proofs of military skill and conduct. Marechal Villars had with great labor and perseverance drawn lines from Bouchaine on the Scheld along the Sanset and Scarpe to Arras and Canché, which he had fortified by redoubts, batteries, and other military works, in such a manner that he scrupled not publicly to boast that they were impregnable, and that the English general had at length arrived at his "Ne plus ultra." The duke, however, boldly advanced within two leagues of the French lines, making every preparation in order to a vigorous attack the next morning; and Villars drew, with all possible diligence, his whole force on that side, in full expectation of an immediate and furious engagement. This being foreseen by the duke, he had given previous orders to generals Cadogan and Hompesch, with a strong detachment secretly drawn from the neighboring garrisons, to take possession of the passes on the river Sanset at Arleux. At nine in the evening the duke silently decamped; and by eight the next morning he arrived at Arleux with his whole army, after a march of ten leagues without halting. Villars, on being certified of the duke's motions within a few hours of his departure, marched all night with such expedition, that, at eleven the next morning, he was in sight of the duke of Marlborough, who, to his unspeakable mortification, had, as he now found, entered those lines which he had himself vauntingly pronounced impregnable, without the loss of a man. His grace immediately invested the important fortress of Bouchaine, which surrendered after twenty days' open trenches only. And this admired and hazardous military achievement closed the long glories of this celebrated commander, who, at the critical moment in which he had almost penetrated the French barrier, and when another Ramillies might have removed all obstacles in his march to Paris, was, by the
mandate

mandate of that sovereign whom he had served with such unparalleled ability and success, divested of all his civil and military employments.

On the Rhine, in Italy, and in Spain, nothing of moment was attempted on either side. The Imperial diet, assembling at Frankfort under the protection of prince Eugene, proceeded quietly to the election of an emperor; and the votes of the electors of Bavaria and Cologne, who were under the ban of the empire, being previously rejected, the electoral college unanimously chose Charles king of Spain, brother to the late emperor, who was crowned at Frankfort with the usual solemnity.

The naval transactions of the year 1711, though not very memorable, must not pass entirely unnoticed. During the summer the French, whose marine had gradually fallen into a state of great decay since the battle off Malaga, unexpectedly fitted out a considerable squadron under M. Du Guai Trouin, destined for the Brazils. Having entered the bay of Rio de Janeiro, he compelled the Portuguese to run ashore, and set several of their ships on fire; after which he made himself master of the town of St. Sebastian, where he found a prodigious booty in cruzadoes and rich merchandize. On the other hand an expedition of a somewhat similar nature, set on foot by the new ministers in England, succeeded very ill. The French settlement of Port-Royal in the peninsula of Acadie in North America had already been taken possession of by colonel Nicholson, who gave it the appellation of Annapolis. A design was now formed for the capture of Quebec, the capital of French America, situated on the great river St. Laurence: and 5000 troops were put under the command of brigadier Hill—brother to the favorite, Mrs. Masham—an officer very incompetent to such an enterprise—convoyed by a strong squadron under sir Hovenden Walker. After various delays the fleet entered the St. Laurence about the end of August, expecting a powerful co-operation from the colonial forces who were
to

to join them by way of Albany. But before they could reach the city of Quebec, they were overtaken by a violent storm, and at the same time enveloped in so thick a fog, that they entirely lost sight of land, and could find no soundings or anchorage. The men of war escaped with extreme hazard, but eight transports were cast away with their crews and stores; and when the weather cleared up, a council of war was held, in which it was agreed to return home without making any farther attempt. This pusillanimous resolution being forthwith carried into execution, they arrived at Portsmouth early in October. Scarcely had they reached the harbour, when the admiral's ship, the *Edgar* of seventy guns, by some accident blew up, with a great number of persons on board, exclusive of the ship's crew—and thus terminated this ill-concerted and disastrous expedition.

During the recess of parliament the ministry were chiefly engaged in strengthening their interest by the distribution of new honors and promotions. Lord Raby, head of the family of Wentworth-Woodhouse in Yorkshire, long resident in Berlin, was created earl of Strafford; and sent ambassador to Holland—a man proud, conceited, full of party rancor and malevolence, narrow in his capacity, and obstinate in his prejudices, but wholly adverse to the interests of the court of St. Germaine's. Sir Simon Harcourt was created baron Harcourt, and soon after lord chancellor. The duke of Hamilton was admitted to the honors of the English peerage, under the title of duke of Brandon. The bishop of Bristol, on the decease of the duke of Newcastle, by a novelty in politics characteristic of a tory and high-church administration, was constituted lord-privy-seal. The duke of Buckingham, being made president of the council, in the room of the earl of Rochester, was succeeded in the office of lord-steward by earl Paulet, superseded in the treasury by the late promotion of Mr. Harley.

A singular

A singular occurrence took place about this time in Scotland, of which the whigs in England did not fail to take the advantage. The duchess of Gordon, a violent female politician, noted for her attachment to the banished family, sent as a present to the faculty of advocates at Edinburgh a medal, with a head on the right side and this legend, *Cujus est?* and on the reverse the British islands with this motto, *Reddite*. A debate arising whether this curious donation should be received, it was carried by a majority of sixty-three voices to twelve to accept. And Mr. Dundas of Arncliffe, in the name of the faculty, returned her grace most hearty thanks for this medal of their sovereign lord the king—hoping and being confident that her grace would very soon have an opportunity to compliment the faculty with a second medal, struck upon the restoration of the monarch and the termination of rebellion. Advice being transmitted of this act of effrontery to the duke of Queensberry, secretary of state for Scotland, and M. Kreyenberg the Hanoverian resident, making it the subject of a formal memorial; the lord-advocate sir David Dalrymple, a known friend to the protestant succession, was dismissed from his office, on pretence of remissness in not prosecuting the Scottish medalists; while Dundas was allowed to escape, notwithstanding his printing a vindication of his conduct, still more impudent and treasonable than his former proceedings. This affair was represented by the enemies of the ministry as a decisive proof of their secret bias in favor of the pretender; and by their friends, as a trivial and idle business, not worthy of serious attention.

The earl of Oxford, sensible of the unpopularity, and probably of the folly, of the war, and unwilling to continue it with unequal success, or to add new laurels to those already acquired by the duke of Marlborough, had, from the first moment of his accession to power, formed the determination to conclude a peace with France; and this determination he manifested too strongly and eagerly not to afford

afford great advantage to a politic and penetrating adversary. There was a certain abbé Gualtier, an obscure French priest, who had originally accompanied *maréchal Tallard* during his embassy to England in the late reign; and had since been protected by *count Gallas* the Imperial minister, and suffered to say mass in his chapel. This man was chosen as the medium of intercourse with the court of France, and was sent over to Paris with verbal instructions, importing the wish of the present ministers to effect a general pacification, and desiring his most christian majesty to propose to the Dutch a renewal of the conferences. The king of France, who had received the intelligence of the dissolution of the whig parliament with transports of joy—declaring his opinion and belief, that he should soon be as necessary to Oxford and his party, as they to him,* received this intimation with an affectation of indifference; and absolutely refused to resume the negotiations with Holland. But, in a memorial transmitted by *M. de Torcy* to the court of London, April 1711, he declared his willingness to treat through the medium of England. This overture was communicated to the states-general, who acknowledged themselves weary of the war, and ready to join in any measures to obtain a good peace. The whole of the summer was spent in an interchange of messages between the two courts of London and Versailles: and towards the autumn the negotiation became accidentally public, in consequence of the unexpected arrest of one of the government agents, *Mr. Prior*, at Deal, for want of a passport. *Count Gallas*, the Imperial ambassador, expostulating upon this occasion with the earl of Oxford, was assured that there was no ground of alarm; for that the queen would never conclude a peace derogatory from her engagements with her allies. But *M. Mesnager*, who accompanied *Mr. Prior* from Paris, being invested with full powers on the part of the most christian king; provisional articles were actually agreed upon,

* *Mesnager's Memoirs.*

upon, September the 27th, 1711, between Great Britain and France, and signed by the two secretaries of state, by virtue of an especial warrant from the queen. It has been asserted that M. Mesnager, by the instigation or encouragement of Mr. St. John, spoke to the queen in favor of the pretender, whom he called "her brother;" and that she did not seem displeased at his discourse. But this is not confirmed by his own account of the negotiation. "It was easy to see," says this able politician, "that several who were near the queen had inclinations favorable to the court of St. Germain's: but they could not make it practicable, as they all said, to take any steps in that interest, without hazard to *their own*—and I never found they had a true zeal for any thing else."

Five days after the departure of M. Mesnager, the ministers communicated the preliminaries to count Gallas, who treated them with much scorn, and caused an English translation of them to be published in a paper called the *Daily Courant*. The articles were seven in number, importing, 1stly, the acknowledgment of the queen of Great Britain and the protestant succession in the house of Hanover; 2dly, an engagement to take all just and reasonable measures to prevent the union of the crowns of France and Spain. The third respects an eventual treaty of commerce. The fourth contains a promise of a secure barrier for Holland; the fifth, the same on the side of the empire; the sixth, the demolition of Dunkirk; the seventh, a vague engagement that the pretensions of all the princes and states engaged in the war shall be amicably discussed and regulated. These loose and general conditions excited universal surprise and distrust. But great and just offence was taken at the conduct of count Gallas in thus disclosing the circumstances of a depending negotiation; and an order was sent him, forbidding his appearance at court. The states-general were scarcely less dissatisfied than the court of Vienna, at the tenor of these preliminary articles; which they represented

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to the queen as a very insufficient foundation to build upon. And it was not without great reluctance, and after the most pressing instances, that their high mightinesses agreed to open the conferences afresh on the first of January, 1712—Utrecht being named as the place of congress.

The emperor, on his part, wrote a circular letter to the electors and princes of the empire, exhorting them to persist in the engagements of the grand alliance. In order to obviate any disagreeable consequences that might result from the resentment of the emperor, the queen of England had sent earl rivers to Hanover to assure the elector, that his interests would be particularly attended to. Notwithstanding which, the elector expressed in warm terms his total disapprobation of the measures in question; and, not satisfied with this declaration, he ordered his minister, baron Bothmar, to deliver to Mr. St. John a memorial, which soon afterwards appeared in the public prints, representing the pernicious consequences of leaving Spain and the Indies in the hands of the duke of Anjou, and the danger of suffering the French king to prevail in a contest carried on for the purpose of giving a king to Spain, and eventually of imposing another upon Great Britain. This indiscreet step, applauded as it was by the whig party, produced no other effect, as might easily have been foreseen by any persons not blinded by party rage, than to give extreme umbrage to the court of London, and to lay the foundation of a dangerous misunderstanding between the queen and the elector.

About this period the pretender, knowing the coldness which subsisted between the two courts, was emboldened to address the queen, in a letter not ill imagined or expressed—urging her, “as she tendered her own honor and happiness, to do him that justice to which he was entitled; in which case he assured her that no reasonable terms of accommodation which she could desire for herself should be
refused

refused by him—and declaring his readiness to give all the security that could be desired, of his unalterable resolution to make the law of the land the rule of his government—to maintain the church of England in its just rights and privileges ;”* but without giving the slightest intimation or hope that he might be induced to change his religion. To this letter it does not appear that any reply directly or indirectly was ever made.

The states-general having at length agreed to renew the negotiation with France ; the parliament was convened for the 7th of December, 1711 ; previous to which, great efforts were made to obtain a clear majority in the house of lords, where the whig interest chiefly prevailed, but with very little success ; and the ministers had even the mortification to see the earl of Nottingham, one of the principal leaders of the tories for more than twenty years past, closely connecting himself, upon the great question of peace or war, with the whigs. This nobleman was supposed to feel strong emotions of jealousy and disgust at the sudden and surprising ascendancy acquired by the earl of Oxford, who, in return, was no less tremblingly alive to the rival pretensions of Nottingham.

The whigs exclaimed with all the violence of party rage against the plan of accommodation comprehended in the preliminary articles, which they represented as fraught with treachery to our allies and ruin to ourselves. The ideas inculcated by the leaders and swallowed by the dupes of the faction are strongly though undesignedly depicted by bishop Burnet ; who gravely relates, that when the queen condescended to ask of him his sentiments respecting peace, upon obtaining permission to speak his mind plainly, he told her majesty “ that it was his opinion that any treaty by which Spain and the Indies were left to king Philip must, in a little while, deliver up all Europe into the hands of

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France :

* Macpherson's State Papers, vol. ii.

France : and if any such peace should be made, she was betrayed, and we were all ruined : in less than three years' time she would be murdered, and the fires would be again kindled in Smithfield."

In the queen's speech to the two houses, she expressed her joy in being able to inform them, that, *notwithstanding the arts of those who delight in war*, both time and place were appointed for opening the treaty of a general peace.—By an extraordinary latitude of assertion, she declared the ready concurrence and entire confidence of the allies in the steps she had taken ; and she, as usual, expressed her concern that the succession to the crown should be rendered secure to the house of Hanover. An address of thanks being proposed, the earl of Nottingham, at the close of a very eloquent and able speech, much admired and celebrated at the time, and in which his lordship copiously expatiated on the insufficiency and precariousness of the late preliminaries, and of the dangers to be apprehended from leaving a prince of the house of Bourbon in possession of the monarchy of Spain, moved that a clause might be added to the address, representing to her majesty, " that, in the opinion of that house, no peace could be safe or honorable to Great Britain or Europe, if Spain and the Indies were allotted to any branch of the house of Bourbon." This gave rise to a violent debate—the motion being supported and opposed by all the principal speakers on each side. And the duke of Marlborough in particular, conceiving himself to be invidiously pointed at in the speech from the throne, affirmed to the house, " that he could declare with a safe conscience in the presence of her majesty, of that illustrious assembly, and of that Supreme Being who is infinitely above all the powers upon earth, and before whom, according to the ordinary course of nature, he must soon appear to give an account of his actions, that he ever was desirous of a safe, honorable, and lasting peace ; and that he was far from any design of prolonging the war for his own

own private advantage, as his enemies had most falsely insinuated. That his advanced age, and the many fatigues he had undergone, made him earnestly wish for retirement and repose, having already honors and riches heaped upon him far beyond his desert or expectation. But that he was in duty to his country and to his sovereign bound to declare his opinion, that no treaty of pacification, either honorable, safe, or lasting, could be concluded on the foundation of the seven preliminary articles." The previous question being put upon the motion of the earl of Nottingham, it was carried in the affirmative by a single vote, and the main question by eight voices (sixty-two to fifty-four) against the utmost efforts of the court.* On presenting the address, the queen coldly replied, "that she should be very sorry any one could think she would not do her utmost to recover Spain and the West Indies from the house of Bourbon." On the other hand, the address of the commons was expressed in the highest strain of satisfaction and loyalty. They assured her "that they would use their utmost endeavors to disappoint as well the arts and designs of those *who for private views might delight in war*, as the hopes the enemies might have vainly entertained of receiving advantage from any division among them."

In another instance the ascendancy of the opposition in the house of peers conspicuously shewed itself, to the

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* The defection of the earl of Nottingham is thus ludicrously satirized in a periodical publication of the times—ranking, by conjecture, among the wicked lampoons of Swift: "Whereas a very tall, thin, swarthy-complexioned man, between sixty and seventy years of age, wearing a brown coat with little sleeves and long pockets, has lately withdrawn himself from his friends, being seduced by wicked persons to follow ill courses—These are to give notice, that whoever shall discover him shall have ten shillings reward—or if he will voluntarily return, he shall be kindly received by his friends, who will not reproach him for past follies, provided he give good assurances that for the future he will firmly adhere to the church of England, in which he was so carefully educated by his honest parents."

great chagrin of the court. The duke of Hamilton, lately created duke of Brandon, claiming the place which appertained to him in that quality, was opposed by many of the English lords; who conceived such assumption to be incompatible with the Act of Union, as giving a power to the crown to introduce a greater number of Scottish peers into the house, than were allowed by the act. After a vehement debate, the claim of the duke was rejected, notwithstanding the precedent of the duke of Queensberry admitted to sit as duke of Dover, by fifty-seven to fifty-two voices. The Scottish peers were much enraged, and not without reason, at this determination, and signed a representation to the queen, complaining of it as a breach of the union, and a mark of disgrace put upon the whole peerage of Scotland, who were thus stigmatized as the only description of persons in the realm incapable of being admitted to the honors of the English peerage.

The Occasional Conformity Bill, having miscarried three times, had lain dormant for seven years, till it was at this period revived by the earl of Nottingham, with the acquiescence of the whigs, to whom he declared, that without this bill he should be only an individual, but with it an host. The chiefs of the party knowing, from the temper of the times, that a bill of this nature would certainly pass, were willing, and even desirous, that lord Nottingham should conciliate the confidence of the zealous churchmen by being himself the mover of it, especially as the penalties of the proposed bill were much milder than they would probably have been if introduced under the auspices of the court. In consequence of this previous agreement, the bill passed through both houses with silence and rapidity. The dissenters, however, who did not comprehend these political and courtly manœuvres, loudly complained that they were deserted by their friends, who endeavored in vain to persuade them that they consulted their interest in consenting to their oppression.

During

During the Christmas recess of parliament, matters having now attained to sufficient maturity, the duke of Marlborough was dismissed from all his employments, by a letter under the queen's own hand. The charges brought against him in the house of commons respecting the perquisites received by his grace as commander in chief of the forces of Great Britain, was made the pretext for his disgrace. For, on the 30th of December, the queen declared in council, "that, an information being laid against the duke of Marlborough, by the commissioners of public accounts, she thought fit to dismiss him from all his employments, that the matter might take an impartial examination." And this declaration was entered in the council books. The duke, in his answer, told the queen, "That if the inveteracy of his enemies had not been more powerful with them than the consideration of her majesty's honor and justice, they would not have influenced her to impute the occasion of his dismissal to a false and malicious insinuation contrived by themselves, and made public when there was no opportunity for him to give in his answer." And he concludes with wishing "that her majesty might never find the want of so faithful a servant, as he had always endeavored to approve himself to her." By an artifice characteristic of lord Oxford, the command of the queen's forces in Flanders was offered to the elector of Hanover ; which he refusing, as was clearly foreseen, to accept, the duke of Ormond was appointed captain-general of all her majesty's forces at home and abroad.

The whig interest still preponderating in the house of lords ; a resolution was taken to create twelve new peers, in order to secure a majority for the court. This gave rise to much clamorous exclamation. Sir Miles Wharton, being offered a peerage on this occasion, rejected it with disdain, saying, "that formerly peerages were the reward of services done ; but now it appeared they were merely a compensation for service to be done." The 2d January,

1712, the twelve new peers were introduced into the house; and the Scottish lords being now also arrived, the court acquired a decided and permanent majority;—though Mr. secretary St. John scrupled not to say, “that if those twelve had not been enough, they would have given them,” *i. e.* the whigs, “another dozen.” When the usual question of adjournment was about to be put, the earl of Wharton excited mirth by asking, “Whether they meant to vote individually, or by their foreman?”

At this critical period the ministers were embarrassed by an unexpected and unwelcome visit from prince Eugene, who, on the dismissal of count Gallas, was charged with instructions from the emperor to represent to the queen in terms the most urgent the fatal consequences which would attend the defection of England from the alliance, and to propose a new plan for the future conduct of the war, in which his Imperial majesty would take upon himself a larger proportion of the burden, than had been required from his predecessors, Leopold and Joseph. The remonstrances of his highness produced no effect; but he was treated with all the external demonstrations of esteem and respect by the queen, and entertained with great magnificence by the ministers, particularly by the lord-treasurer, who, it is said, declared in polite terms to the prince the pride he felt in having for his guest the first general in Europe. “If I am,” said his highness, “it is to your lordship I am indebted for it”—alluding to the recent dismissal of the duke of Marlborough. The prince received, however, positive assurances of concurrence in a vigorous prosecution of the war.

To shew his zeal for the protestant succession, the lord-treasurer, at the suggestion of the duke of Devonshire, who had given notice of a motion for the same purpose, brought in a Bill giving precedence to the whole electoral house, as part of the royal family—which by an emulation of eagerness

engerness passed both lords and commons in the space of two days.

Mr. Walpole, late secretary at war, having by his activity, eloquence and knowledge of business rendered himself extremely obnoxious to the Tories; advantage was taken of an act of indiscretion on his part when in office, not only to expel him the house, but commit him to the tower. The case was this: Mr. Walpole, in contracting with certain persons for the article of forage, was desirous that a friend might be admitted to a participation of the profits; in lieu of which, the contractors agreed to give him five hundred guineas for his share of the same. But the name being concealed, a bill for the amount was paid into Mr. Walpole's hands and indorsed by him. On a strict examination, it appeared that no part of the money was retained by Walpole; but the house nevertheless voted the acceptance of it to be an act of corruption—and proceeded to expulsion and commitment. The censures of the house were treated by the friends of Mr. Walpole with contempt; and he was immediately rechosen by the borough of Lynn Regis. Upon which the house came to a remarkable resolution, “that Robert Walpole, esq. having been this session of parliament committed a prisoner to the Tower of London, and expelled this house for an high breach of trust in the execution of his office, and notorious corruption when secretary at war, was and is incapable of being elected a member to serve in this present Parliament.”

Another business of far greater consequence next engaged the attention of the house; viz. the consideration of the Barrier Treaty with the states. As on the one hand it was a great object with the late whig ministers to obtain the guarantee of Holland in support of the protestant succession; it was a no less favorite point with the states, that England should guaranty to them in return the quiet possession of their barrier in Flanders. And a treaty containing these reciprocal conditions was signed by lord Townshend

Townshend at the Hague, October 29, 1709, wherein the barrier was settled to consist not merely of such places as acknowledged the sovereignty of the crown of Spain, but of several very important towns captured during the course of the war from France—as Lille, Tournay, Menin and Douay. This treaty was regarded by the present ministers as a grand obstacle in the way of peace, which could not too soon be removed. And though it had been solemnly ratified by the queen, it was now condemned without reserve by the house of commons, who came to divers resolutions upon the subject, importing : 1stly, “ that in the treaty for settling a barrier, &c. under *color* of securing the protestant succession, were several articles destructive to the interest of Great Britain, and highly dishonorable to her majesty. 2dly, that lord viscount Townshend had not any orders or authority for negotiating or concluding several articles in that treaty. 3dly, that lord viscount Townshend, who signed, and all those who advised the ratifying of that treaty, were enemies to the queen and kingdom.” The states-general, astonished and alarmed at these proceedings, wrote a very respectful letter to the queen, stating “ the necessity of a powerful barrier for the security of England as well as Holland, and expressing their readiness to explain or modify any articles of the treaty, which should not essentially affect the preservation of the Dutch nation ;” and entreating her majesty “ to continue towards them that *precious friendship* and good-will with which she had hitherto honored them.” But the current now set strongly against them ; and the house of commons, in an inflammatory representation to the queen, charged the allies in general, and the states-general in particular, with having been grossly deficient in furnishing their quotas of men and money ; and, in answer to their various memorials, they received only a cold and vague assurance from the queen, “ that she would contribute
what

what was in her power towards the satisfaction of the states-general, without abandoning the interest of her own kingdoms."*

One of the most laudable measures of this high-church and tory-parliament was the Bill brought in for granting a Toleration to the Scottish episcopalians. The general assembly of Scotland, alarmed at so daring and dangerous an attack upon the rights of the CHURCH, on the first intimation of this bill drew up a large representation to the queen, setting forth, "that the Act of 1707 for securing the protestant religion and presbyterian government in Scotland was declared to be an essential and fundamental condition of the Treaty of Union—that they could not but express, therefore, their surprise and affliction to hear of a bill offered for such a large and almost-boundless toleration, not only threatening the overthrow of their church, but giving a license to errors and blasphemies, &c. to the dishonor of God, the scandal of religion, and the confusion of that church and nation. And they did beseech, nay obtest her majesty by the mercy of God, to interpose her authority against such a manifest and ruining encroachment." Notwithstanding this rancorous opposition of the GODLY in Scotland the bill passed, with a remarkable clause prohibiting the magistrates of that kingdom in future to execute the sentences of the judicatories of the kirk, which was by this means divested of its temporal terrors; and as its spiritual censures have gradually fallen into contempt, it is now only the phantom of its former self. This bill was accompanied by another for restoring the right of patronage; which passed with little opposition, though certainly incompatible with the Act of Union, and, as it was also pretended by the rigid presbyterians, to "scriptural warrant."

On the 6th of June, 1712, the queen came to the house of peers, and stated to the two houses, in a long speech, the

* Tindal, vol. v. p. 455—463.

the terms on which peace might be made ; for such was the caution of the lord-treasurer, that he was determined to conclude nothing without the previous sanction of parliament. The house of commons, with little difficulty, and the house of lords after high debate, presented addresses of approbation ; soon after which, the parliament was prorogued.

Although the first day of the new year had been nominated for opening the congress, the conferences did not commence till the 29th January, 1712 ; when the bishop of Bristol, lord-privy-seal, repairing to the appointed place in great pomp, attired in velvet robes, with his train borne by two pages, addressed the assembly in a set speech, particularly and earnestly recommending "clearness, openness and sincerity in the conduct of the present negotiation ;"—although the conduct of the British ministers had been and continued to be replete with *finesse*, duplicity and deceit. The propositions signed by M. Mesnager were declared to be the basis of the treaty ; for the congress had not the least notice or intimation of the provisional articles signed on the part of France and England. The ministers of France, at the desire of the allies, gave in their *projet* of peace, February 11, and it was couched in so high a strain as to excite the greatest amazement. The abbé de Polignac had previously declared the propositions made at Gertruydenberg, to which the Imperial minister, count Zinzendorf, wished to advert, to be no longer existing ; and all the king of France now offered was to recognize the title of the queen of Great Britain, and the succession of the crown in the house of Hanover, at the signing of the peace ; to demolish the fortifications of Dunkirk for a satisfactory equivalent ; to cede the island of St. Christopher, Hudson's Bay, and Newfoundland, excepting Placentia, to England ; and to add to the present Dutch barrier the towns of Furnes, Ypres, Menin, and Fort Knoque. At the same time his most christian majesty demanded,

demanded, in order to form the barrier of France, Aire, St. Venant, Bethune, and Douay, with their dependencies ; that the frontier on the side of the Empire and of Italy should be the same as before the war—or, in other words, that Landau, Fenestrella, and Exilles, should be restored to France—that the Low Countries should be given to the elector of Bavaria ; and that Lille and Tournay should be considered as the equivalent for Dunkirk. Finally, his most christian majesty engaged, that the king of Spain do relinquish all his pretensions to Naples, Sardinia, and Milan, in favor of the emperor. On the other hand, a counter-project was given in on the part of the allies, in which the English plenipotentiaries insidiously, and in contradiction to the secret preliminaries, joined with the rest of the confederate powers in demanding the restitution of the whole Spanish monarchy to the house of Austria. And a specific answer in writing was insisted upon from the French ministers. But this the marechal D'Uxelles refused and proposed to enter into verbal conferences upon the subject. Upon this difference, the negotiation seemed for many weeks at a stand : and lord Strafford and the bishop of Bristol, in their dispatch of April 15, say, “ they do not find the French are much convinced of the necessity of dispatch—and when any thing is let fall of breaking off the conferences, they seem to take it with a great air of indifference, well knowing their business was not to be done at Utrecht, but by a negotiation carried on directly between London and Versailles.” About this period, Mr. Thomas Harley, a near relation of the treasurer, and the abbé Gualtier arrived at Utrecht, by whom a plan for a general peace was imparted to the English plenipotentiaries, without the least communication with the rest of the allies. Only the Dutch were vehemently urged, as they had already repeatedly been, “ to come into the queen's measures ; otherwise she would consider herself as discharged from all obligation towards them.” The states at length thought

thought proper to send a solemn deputation to the earl of Strafford, April 28, to know authoritatively what the queen's measures were. But this nobleman declined to enter into particulars, declaring nevertheless, for their satisfaction, "that her majesty's intentions were, that her troops should act with the same vigor against France as if there were no negotiation on foot." And this declaration the earl repeated the same evening in a conference with prince Eugene and count Zinzendorf.

In the month of April, the confederate army took the field under the prince of Savoy, whom their high mighty-nesses had appointed captain-general of their forces. The duke of Ormond arriving at the Hague nearly at the same time, gave all possible assurances to the pensionary of a cordial and confidential co-operation with the allies, and especially the Dutch. On the subsequent junction of the armies, a good understanding seemed to prevail between the two generals; and about the middle of May, the prince proposing to pass the Scheld and attack the French, or, if they appeared too strongly posted, to invest the town of Quesnoy, it was assented to by the duke without hesitation. But within a few days after this movement had taken place, the duke of Ormond received positive orders from Mr. secretary St. John to avoid engaging in any siege or hazarding a battle; and desiring him, at the same time, to disguise the receipt of this order—adding, that it had been communicated to the court of France; and if M. Villars should take any private notice of it, the duke was to answer accordingly. It is impossible to conceive a more difficult or delicate situation than that into which the duke of Ormond was thrown by these instructions; and had he not been most strongly attached to the present administration and their measures, he would doubtless have instantly resigned a command which he could no longer exercise with honor. And, indeed, notwithstanding the violence of his party zeal, his own noble and ingenuous nature

nature recoiled from the execution of the infamous task imposed upon him. Though in his answer to Mr. St. John, May the 25th, he promised obedience and secrecy, he declared "the difficulty of disguising the true reason of his conduct, having no excuse for delays." And the duke receiving a letter from M. Villars congratulating him on the intelligence which had just reached him from Paris, "that they were to be no longer enemies," signified to the marechal the orders he also had received from the queen of England.

On the 8th of June the duke, having been in the interval strongly pressed to co-operate actively with the allies, stated to Mr. St. John "the extreme uneasiness of his situation. Many of the allies scrupled not openly to say, they were betrayed. If he was restrained from action, he saw no use in remaining in his present situation, and he desired leave to return to England. But in all things he professed to submit to her majesty's pleasure." Quesnoy was at length invested, and the duke with difficulty, and not without secret expostulation from M. Villars, assented to furnish sixteen battalions of troops in the joint pay of England and Holland to carry on the siege. The separate negotiations between England and France were by this time far advanced, and the renunciation by the king of Spain, of the right of succession to the crown of France, being at length obtained, and a promise made of the temporary surrender of Dunkirk to the English, as a pledge of the sincerity of the most christian king, orders were transmitted to Ormond to conclude an armistice with M. Villars. This intelligence, when communicated to prince Eugene and the deputies of the states, was received with indescribable indignation. His highness told the English general, "that the secession of the English troops and forces in British pay would leave them to the mercy of the French; but that he was sure the forces would not march. He expostulated with him on the unparalleled baseness of this violation

violation of national faith and honor, and the danger and ruin which might ensue upon this desertion." The duke was immovable. He said it belonged not to him to enter into these particulars—that the queen's commands were positive; and he caused the suspension of hostilities to be proclaimed June the 25th, by sound of trumpet: but the foreign troops in the pay of Great Britain unanimously refused to obey his grace's orders.

Notwithstanding the departure of Ormond, prince Eugene immediately on the surrender of Quesnoy invested Landrecy: but the history of this campaign, consequent to the separation of the British forces, is the recital of a continued series of losses and disasters. Marechal Villars, after defeating a part of the allied army at Denain, proceeded to Marchiennes, which contained the prince's grand *dépôt* of military stores. After the reduction of Marchiennes, he undertook the siege of Douay, which compelled the prince to raise that of Landrecy, without however being able to save Douay. And before the end of the campaign, the French also retook Quesnoy and Bouchaine: so that the triumph of Villars was complete, and the allies were overwhelmed with shame and consternation.

Various obstacles arising to the conclusion of the treaty so earnestly and impatiently sought by the British court, Mr. secretary St. John, now created lord viscount Bolingbroke, was dispatched in person early in the month of August to the court of Versailles, in order to obviate all the remaining difficulties. He was received by the French monarch with all imaginable marks of distinction; and in a short time the object of his mission being in a great part effected, a cessation of arms by sea and land for the space of four months was agreed upon. In the mean time the negotiations at Utrecht proceeded slowly and heavily. The earl of Strafford, in his letter of the 13th of September, represents the States "as mightily sunk with their misfortunes,

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tures, and not knowing well what measures to take ; but that they insisted upon Tournay as so essential to their barrier, that they had actually none without it." In answer, lord Bolingbroke owned " that the king of France was now encouraged to refuse what he at first only endeavored to save ; in short, that France had now gathered strength by our divisions, and was grown sanguine enough to make that plan the ultimatum of her concessions, which was at first nothing more than the ultimatum of her offers : but that the Dutch had nobody to blame for all this but themselves." At length their high mightinesses, descending from that loftiness they could no longer support, declared October the 9th, " that, for the good of peace, the States were willing to yield Lille to France, and recede from their pretensions to have Douay, Valenciennes and Maubeuge, which they had hitherto insisted upon ; provided Condé and Tournay were included in their barrier, the tariffs of 1664 restored, and that Sicily be yielded to the emperor, and Strasburg to the empire." This was a proposition which the English court acknowledged to be entitled to regard and consideration ; but new obstacles every day presented themselves—the French appearing more and more sensible of the superiority they had so strangely acquired, and to repent of the concessions they had been induced to make ; infomuch that lord Bolingbroke complained, in his dispatches to Mr. Prior, of " the perpetual cavils and chicaneries of the French, who, he affirmed, had neither acted fairly nor wisely." And in another letter he says, " the French want to bubble us out of the advantages which they had solemnly yielded ;" and he exclaims, " By Heaven ! they treat like pedlars, or, which is worse, like attornies !" The negotiation, nevertheless, gradually proceeded. In October, lord Lexington was appointed to go as ambassador to Spain ; and the renunciation of king Philip being drawn up in form, his majesty signed it November the 5th, and swore upon the holy evangelists to observe it, in presence
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of the council of state and of the chief nobility ; after which, the cortes of Spain being summoned to meet at Madrid, the king went in state to that assembly, and declared to them, “ that the efforts which the nation had made with so much zeal and fidelity to secure his crown in two perilous emergencies, were of such a nature as never to be forgotten. In order, therefore, to shew his gratitude, to procure peace for his people, and to be never separated from them, he renounced all pretensions which either himself or his issue might have to the crown of France ; and desired them to give their consent to it.” Upon this, the cortes confirmed and approved the renunciation ; and the crown of Spain, after king Philip’s posterity, was limited to the house of Savoy. The like renunciation was made some months after by the princes of France to the crown of Spain : and king Philip was declared incapable of succeeding to the crown of France. In November, a farther suspension of arms was agreed upon for four months, to which Portugal acceded. And the British forces in that kingdom were immediately recalled ; as they had already been from Catalonia, in defiance of the utmost resentment of the emperor, and to the consternation of the poor Catalans, who now saw themselves abandoned by their pretended protectors, and delivered up to the mercy of their offended sovereign.

At this period, the duke of Hamilton, so long noted for his attachment to the Stuart family, was appointed ambassador extraordinary to the court of France : but his grace being killed in a duel with lord Mohun, who himself also fell in the bloody contest, he was succeeded by the duke of Shrewsbury.

Towards the end of the year, the British plenipotentiaries at Utrecht signified to the States, that, if they would sign the preliminaries of peace in conjunction with England, Tournay should be added to their barrier. Their high mightinesses acceding to this proposition, a new barrier

rier treaty was concluded, differing from the former so much inveighed against only by its inferiority of strength and security. It was not, however, till the month of April, 1713, that the British plenipotentiaries declared to the ministers of Holland and the emperor, that they were ready, with the ministers of Prussia, Portugal and Savoy, to sign their respective treaties. The Imperial ambassadors replied, that neither they nor the ministers of the Empire were ready to sign, nor would they hearken to peace without the restitution of Strasburg. And they entered a formal protestation against the treaty. But the Dutch thought proper to comply—equally proof against the menaces and entreaties of the dissentient parties. And on the 11th of April, 1713, the treaty of Utrecht was completed. By this famous treaty the protestant succession was recognised by France, and the pretender compelled to depart that kingdom: the union of the two monarchies of France and Spain was provided against by mutual and solemn renunciation: the harbor of Dunkirk was demolished, and the fortifications razed; Acadie, Hudson's Bay, Newfoundland and St. Christophers ceded in full right to England. Naples, Milan, and the Spanish Netherlands were yielded to the emperor, together with Landau, Brisac, and Fort Kehl on the side of Germany.—Sicily, by the particular and partial interposition of the queen of England, was forcibly disjoined from Naples, and transferred to the duke of Savoy with the regal title. And, in addition to the places actually possessed by the Dutch, Luxemburg, Namur, Charleroi, Ypres and Nieuport were assigned to the States as a perpetual barrier. His Imperial majesty was allowed to the first of June, to declare his acceptance or non-acceptance of the terms proposed.

No sooner had this important intelligence reached London, than the parliament was assembled; and the substance of the-treaty being laid before them, an address of congratulation was presented by the two houses, whose example

was followed by most of the corporate bodies, accompanied by great public rejoicings. In a few weeks Mr. Benson, chancellor of the exchequer, offered to the house of commons copies of the treaty of peace with France, and also of commerce, by which the manufactures of each kingdom were admitted into the other, upon the payment of very low *ad valorem* duties. Political artifice and commercial prejudice being combined in opposition to this wise measure, the Bill for rendering the Treaty of Commerce effectual, was after violent debates rejected by a majority of 194 to 185 voices.

The Scottish peers being extremely exasperated at the termination of the house of lords excluding them from the honors of the English peerage, and the Scottish nation being also equally enraged at the recent imposition of a heavy additional duty on malt, contrary, if not to the letter, at least to the spirit of the Treaty of Union, which enacted that no duty should be laid on malt in Scotland during the war ; a motion was made by the earl of Findlater for leave to bring in a Bill for dissolving the Union. This, for the sake of embarrassing the ministry, was warmly supported by the whig lords, Sunderland, Townshend, Halifax, &c. who had once so zealously supported that measure. And, on the other hand, it was destined to be opposed by the tories, who were the original and vehement opposers of the union. The lord-treasurer having intimated in the course of debate the possibility of remitting the duty in question by virtue of the prerogative ; the earl of Sunderland expressed his astonishment that such despotic principles, tending to the establishment of a dispensing power in the crown should be avowed or countenanced by the noble lord. To this the lord-treasurer sarcastically replied, “ that *his* family had never distinguished themselves, as others had done, by advising arbitrary and despotic measures.” Lord Sunderland, nettled at the allusion to his father, retorted by observing, that, in those times to which such unfair reference

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was made, the noble lord's family was scarcely known. The question being put upon lord Findlater's motion, it was negatived in a very full house by a majority of four voices only—the numbers being 71 to 67 Peers, including proxies.

The sentence of suspension passed upon Dr. Sacheverel expiring about this time, great rejoicings were made upon the occasion ; and he was appointed to preach before the house of commons on the 29th of May ; which was followed, exclusive of the usual and empty compliment of thanks, by a presentation on the part of the court to the lucrative rectory of St. Andrew's, Holborn.

Towards the end of the session a royal message was sent to the house of commons, acquainting them with the incumbrances under which the civil list now labored ; and a grant for the sum of 500,000*l.* was moved to discharge the debts of the crown. The friends of the earl of Godolphin, recently deceased, expressed their astonishment at this demand ; and Mr. Smith, late chancellor of the exchequer, averred, “ that to his certain knowledge the debts on the civil list did not in the month of August, 1710, amount to 150,000*l.*—a trifling sum when the annual appropriation of one hundred thousand pounds towards the expence of the war, the charge of maintaining the Palatines, of building Bleinheim house, &c. were taken into consideration. It was intimated that the statement was deceitful, and that the real object was to secure a large sum, in order to influence the approaching general election. And it was urged to be a most dangerous precedent for the house to grant such a demand, as the same compliance would be expected by all future princes.” But it was finally carried in a thin house, and when the majority of the members, suspecting no such thing, and the summer being now far advanced, had retired to their seats in the country.

At the motion of the earl of Wharton and general Stanhope, addresses were presented to the queen by both houses,

humbly beseeching her majesty to use the most pressing instances to obtain the removal of the pretender from Lorraine, whither he had recently retired, not without the secret approbation of the court of London. And the addresses passed with the cold and reluctant acquiescence of the tories, who dared not openly to oppose. It being asked, naturally enough, in the course of the discussion, where the supporters of the motion would have the pretender reside; the earl of Peterborough, who could ill support the guise and semblance of Toryism, with warmth replied, "that since he began his studies in Paris, the fittest place for him to improve himself was Rome." The object of the addresses seemed, to those untainted with the spirit of faction, incompatible with the national dignity, and indicated a weak and captious jealousy. Sir William Whitlocke observed, "that he remembered a similar address being presented to the protector, for the removal of Charles Stuart from France; notwithstanding which, he was in a short time after restored to the throne." The queen returned a gracious answer; but her "pressing instances" to the duke of Lorraine produced no effect. On the 16th of July, 1713, the parliament was prorogued, and in a short time after dissolved by proclamation.

The celebrated Sprat, bishop of Rochester, dying at this juncture, was succeeded by Atterbury, late prolocutor of the convocation; as was Compton of London by the bishop of Bristol. The earl of Dorset, one of the last whigs in office, was removed from his government of Dover Castle, which was given to the duke of Ormond; and the duke of Athol, a notorious jacobite, superseded the duke of Montrose as lord-privy-seal of Scotland. Nearly at the same time the privy-seal of England was consigned to the earl of Dartmouth, Mr. Bromley being in his room appointed secretary of state; and sir William Wyndham succeeded Mr. Benson as chancellor of the exchequer.

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The peace with France was succeeded by new and alarming cabals and intrigues at home. The lord treasurer stood in the singular predicament of being equally hated by the whigs and jacobitical tories: by the first for having done too much, and by the latter too little, for the pretender's interest. OXFORD and BOLINGBROKE, the two principal leaders of administration, had been long at variance,* and the dissension between them now became open and public. Oxford was a man not remarkable for capacity; but long and intimately conversant in business, close, plausible, subtle, jealous, intriguing, and ambitious. He aimed at engrossing the entire confidence of the queen, and the sole management of affairs; and instead of admitting Bolingbroke to the rank of a co-adjutor, he viewed him with the meanness of fear and suspicion, as a competitor by whom he dreaded to be eclipsed, and perhaps supplanted. On the other hand, Bolingbroke, finding himself regarded in the light of a rival, made no scruple to become so. This celebrated nobleman, exclusive of the exterior and personal advantages by which he was distinguished, was possessed of abilities of the first order—of manners the most captivating, of eloquence the most commanding. In almost every thing the reverse of the earl of Oxford, his temper was open and generous; his conduct, both in public and private life, high-spirited and magnanimous; and his measures bold and decisive. Equally with Oxford the slave of ambition, and less scrupulous in the means of gratifying it, there was good reason to fear lest a minister of this description, in order to secure the favor of the sovereign, who cherished a secret but inveterate dislike to the house of Hanover, would engage with ardor in the prosecution of projects which the phlegmatic caution of Oxford would deem romantic and impracticable; and which were also abhorrent from his feelings and principles. While Oxford entirely lost the confidence of

* Earl of Oxford's Memorial to the queen.

of the tories, which indeed he never perfectly possessed, by his slowness, duplicity and indecision ; Bolingbroke gained ground, both with the queen and the faction, by the superiority of his talents, his firmness and vigor. Resolute and daring, from that consciousness of genius which led him to place an entire reliance upon the resources of his own mind, he very early acquired, and ever after maintained, in a degree which no political leader since the death of Shaftesbury had ever been able to attain, the most surprising ascendancy over the opinions of all his political associates. It is difficult to conjecture, however, under what pretence or color any attempt could have been made to subvert the protestant succession, for which both parties publicly and uniformly professed the most zealous attachment, and which was regarded as sacred by a very great majority of the nation. “ The art of the whigs,” says lord Bolingbroke himself, “ was to blend as undistinguishably as they could all their party interests with those of the protestant succession ; and they made just the same factious use of the supposed danger of it, as the tories had endeavored to make some time before of the supposed danger of the church.”* And there is every reason to believe, that if the tories had taken any serious steps with a view to effect the restoration of the exiled family, they would instantly have lost all credit and influence both with the parliament and the country. On the change of administration, the earls of Oxford and Rochester, the dukes of Shrewsbury and Buckingham, &c. wrote to the electoral court of Hanover, through the medium of lord Rivers and Mr. Thomas Harley, cousin to the treasurer, successively deputed thither, letters full of protestations of their zeal for its interest. The earl of Rochester, in particular, congratulated his electoral highness upon “ affairs being now in a better train, with respect to the succession, than heretofore”—alluding probably to the opposition made by the whigs to the project of the tories for bringing over the princess

* Letter to sir William Wyndham.

princess Sophia. And the minister Harley declares, "that the late changes have given the greater and better part of the nation an opportunity to express their duty to that serene house."*

It is certain that the indiscreet interference of the elector relative to the negotiations with France, and the memorial or remonstrance presented by his ambassador in London against the project of peace, gave extreme offence to the queen; and from this period she entertained, as it appears, frequent discourses on the subject of her *brother's* restoration, and even expressed herself at times, though with great caution, in terms favorable to it. In a conference held by Mrs. Masham with M. Mesnager, that lady acknowledged her majesty's secret inclination in favor of her *brother*, saying "that it would be an inexpressible satisfaction to her majesty to see herself delivered from the fatal necessity of doing so much wrong; and, if it could be possible *with safety to the religion and liberty of her subjects*, to have her BROTHER restored to his right, at least after her decease, if it could not be done before." She acknowledged, however, that the queen did not see how this could be done—her brother being the object of the rage and irreconcilable aversion of the people. And in a letter subsequently written by Mrs. Masham to M. Mesnager, dated March 2, 1712, she tells him, "that the court of St. Germaine's are fallen into the hands of my lord-treasurer, who she doubts not values himself upon having deceived them."

The duke of Leeds assured Lesley, the famous non-juring clergyman, that he had often endeavored to sound the queen upon this point, but that she always declined to explain her sentiments. But to the duke of Buckingham, who stood beyond comparison higher in her favor and confidence, she was far more explicit. This nobleman, in a curious epistle to the earl of Middleton, dated February 15, 1712, under the guise of fictitious names and enigmatical expressions, informs

* Macpherson's State Papers, vol. ii.

informs his lordship that the queen complained "that her brother would not make the least step to oblige her." In answer to the duke's arguments and remonstrances, she replied hastily, "What would you have me do? You know that a papist cannot inherit—therefore I had better do with a good grace what I cannot help."—And on being again urged, she said, "I do not see how I can undo what I myself have done, and done in such a manner. He may thank himself for it. He knows I always loved him better than Hanover." The duke adds, "that he is convinced, if the king would return to the church of England, all would be easy—nay, if he would but barely give hopes he would do so."* Such a change would doubtless have produced important consequences; but, upon the whole, it is clear that the projects of the jacobites met with no serious countenance or encouragement from the court. The earl of Strafford, who notwithstanding his high-church and tory principles appears to have espoused cordially and zealously the interests of the electoral house, affirms in his letter to the princess Sophia, of December, 1712, "That there is not one of a thousand in the whole island who is a jacobite." In a subsequent letter he says, "Believe me, madam, all the noise made about the pretender is groundless; and the tories are full

* It is very possible that the duke of Buckingham, in his eagerness to make his court at St. Germaine's, may have been tempted to add some embellishments to his narrative of this conversation with the queen, and it is therefore to be received with some caution. However this may be, certain it is, that the relation given by Mr. Macpherson, in his history of the conference in question, is by no means authorised by the duke of Buckingham's own account as reported by the agent Trevor; and the history is therefore to be read with still more caution than the letter. Mr. M. makes the queen say, "The example of the father has no weight with the son; he prefers his religious errors to the throne of a great kingdom: All would be easy, should he enter the pale of the church of England." This is absolute fiction; for, though the duke himself does indeed in the excess of his zeal make use of the *last words*, to ascribe them to the queen is a gross falsification of history, and resolves itself into inexcusable negligence, or yet more inexcusable misrepresentation.

full as much in your interest or rather more than the whigs, though the latter have of late got a way of threatening the tories with the protestant succession, as if your royal highness, or those of your illustrious house who should succeed the queen, were not to reign over the tories as well as the whigs. I am sure you know what is called tory are those which are for the church of England." And in a letter of still later date, May 1714, there is this remarkable passage : " After all the foolish and malicious outcry of the danger of the Pretender, I have asked the people here (*i. e.* at the Hague) to tell me one thing done in his favor, or one thing left undone to exclude him, and to secure your succession. Nay, I have desired them to let me know what was desired, or if there could be any thing more done to secure the protestant succession in your illustrious house ; and if they would tell me, I would engage it should be done." Nevertheless, the whigs were incessant in their exclamations that the present ministers were forming deep and dangerous designs against the protestant succession and in favor of the pretender. The duke of Marlborough, in a letter to M. Robethon, of February, 1714, declares himself rejoiced to find, " that the republic," *i. e.* of Holland, " takes the alarm, and begins to wake out of the lethargy it had fallen into since the peace of Utrecht. And he affirms, that the queen's ill health, and the ministers' making such open steps in favor of the pretender as to leave *no doubt* of their intentions to place him on the throne, have brought things so near a decision, that, unless the States design to look on and see us lost, and consequently themselves, they could no longer remain inactive."—And it appears in the course of the letter, that in consequence of his representations, together with those of the other leaders of the whigs, the States were equipping a great fleet to convoy a large body of forces to England, effectually to assert in case of need the protestant succession in the house of Hanover, of which they were the guarantees. This is therefore a demonstrative proof of the
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real and zealous attachment of the duke of Marlborough to the Hanoverian succession. Yet, strange it is to tell, that the grossness of his political hypocrisy was such, as to incite him to maintain precisely the same exterior to the court of St. Germaine's. In a confidential conversation with one of the agents of that court (Trevor), as reported to the earl of Middleton, November 1711, he solemnly declared, "that nothing should be wanting on his side, as occasions should present—that he thought the king's business could not fail of going forward, and *that his religion would not be any hindrance to it*—He said, he knew the princess of Denmark well, that she was *a very honest person*, easily won and wrought upon; but who at bottom had certainly no aversion from her brother. But she was one that must not be frightened—and that *any external force used would rather do harm than good*, both in regard to her and others.—Whereas, if things were suffered to go on in their own train, the king's business would go on of itself, and he doubted not would come to a happy conclusion."* It may be remarked, that the advice here given to the pretended king was in the highest degree artful and insidious. For he intimates, 1st, that there existed no political necessity for changing his religion; and, 2dly, that it would be highly impolitic to make use of external force in order to effect his restoration; though, without employing one or other of these expedients, success was, morally speaking, impossible; and the counsel of this 'traitor-friend' was manifestly calculated only to amuse and to delude. The characters of the great leaders Oxford and Bolingbroke, however opposite, were equally adapted to impress the idea that extraordinary designs and projects were in agitation. Bolingbroke was a man of an adventurous and aspiring genius—Oxford was full of secrecy and of mystery; and he possessed for some years in reality, and still in appearance, an unbounded influence over the queen. "One is at a loss," says baron Schutz the

* Macpherson's Papers, vol. ii. p. 232.

the Hanoverian resident, in a letter to baron Bothmar, September 1713, "what character to give of this man: he told a stranger, who wanted to put him upon his guard against some one, 'I never trusted any one; I am determined not to trust any one for the future; consequently no one has deceived, or can deceive me.'" And we are informed in another letter from M. Galke, secretary to the embassy, "that in transacting business with the treasurer it is impossible to comprehend the answer he gives, much less to put them afterwards in writing." Such was at this period the political situation of Britain, and such the ideas and apprehensions prevailing in relation to the actual state of things and their probable consequences.

Since the dismissal of the earl of Wharton from the government of Ireland, that kingdom had been sinking under the baneful yoke of tory influence and oppression; sir Constantine Phipps, chancellor of the kingdom, and one of the lords-justices in the absence of the duke of Ormond, having the chief management of affairs. The duke of Shrewsbury, a nobleman admired, courted and feared by both parties, being on his return from France appointed lord-lieutenant, arrived in Dublin October the 27th, 1713, and immediately checked the insolence and virulence of the predominant faction, by declaring publicly that he was still the same as in the year 1688; and on the birth-day of king William, November the 4th, he commemorated with great demonstrations of regard and veneration the glorious and immortal memory of that monarch. The parliament of Ireland meeting, after a new election, on the 25th of November, were told by his excellency the lord-lieutenant in his opening speech, that her majesty, having procured a safe and honorable peace, had nothing now to wish but that her subjects might enjoy the benefits and advantages of it;—that her majesty had nothing more at heart than the preservation of the rights and liberties of her people, and the settling them upon a lasting foundation by securing the protestant succession

succession in the house of Hanover." As the earl of Nottingham co-operated with the whigs without losing the confidence of the tories; so the duke of Shrewsbury seemed to act with the tories, without forfeiting his credit with the whigs. The new parliament convened under his auspices soon manifested itself to be entirely whig in inclination and principle. They forthwith ordered in a Bill to attain the pretender and his adherents; they took effectual measures to suppress all seditious and jacobitical publications, which had been of late notoriously countenanced and encouraged; and they unanimously resolved upon an address to the queen for the removal of sir Constantine Phipps from the chancellorship. On the other hand, the house of lords, where the tory interest prevailed, resolved, that the lord-chancellor Phipps had in his several stations acquitted himself with honor and integrity, and voted a counter-address. The two houses of convocation attending at the castle of Dublin to present an address similar to that of the lords; Mr. Moleworth, afterwards lord Moleworth, so celebrated for his embassy to Denmark, being at this time a member of the Irish parliament and a privy-counsellor of that kingdom, said aloud in the presence and hearing of the bishops and clergy: "They that have turned the world upside down are come hither also." Enraged at this sarcasm, the lower house of convocation sent to the upper a formal complaint of the words uttered by Mr. Moleworth, which they asserted "to be an intolerable profanation of the Holy Scriptures, and spoken with a design to cast an odium and aspersions on their graces and lordships, and the whole body of the clergy; whom they humbly prayed their lordships to vindicate from this wicked calumny." The bishops immediately laid this complaint before the house of lords, who desired a conference with the commons on this important business, and left with them a copy of the paper delivered by the convocation. But the commons would take no cognizance of the complaint: and no redress being obtainable in Ireland,

Ireland, recourse was had to a direct representation to the queen, by whom Mr. Moleſworth was, to the diſgrace of the preſent adviſers of the crown, removed from the privy-council.

The proceedings of the Irifh parliament being extremely diſliked by the Engliſh miniſters, the duke of Shrewſbury received orders to prorogue them, and they were ſuffered to meet no more during this reign. The lord-lieutenant himſelf began to be very uneaſy at his preſent ſituation, where he now found himſelf little better than a ſtate pageant. He knew the queen's health to be extremely impaired; and, having certain meaſures to keep, and views to anſwer, he deſired and obtained leave to return to Eng-land; the lord-chancellor Phipps, the primate Lindſey, and the archbiſhop of Tuam being in his abſence appointed lords-juſtices of the kingdom.

When the treaty of Utrecht was ſigned, count Zinzen-dorf, ambaffador from the court of Vienna, declared the reſolution of the emperor to carry on the war, and hazard all rather than ſubmit to the preſcribed conditions. But the war being continued with ill ſucceſs on the part of prince Eugene, who commanded on the Rhine with a very inferior force, during the ſummer of 1713, againſt M. Vil-lars; and the French capturing the cities of Landau and Fribourg; the Imperial pride began to liſten ſeriously to the overtures of France, and a definitive peace was concluded at Alt-Ranſtadt, November 1713, by which Naples, Milan, Sardinia and the Low Countries were ceded to the houſe of Auſtria. The evacuation of Catalonia was agreed to, and a ſuſpenſion of arms with Spain; but Charles reſuſed to re-cogniſe the title of his rival, king Philip. And the im-portant fortrefs of Landau, which the emperor might have ſecured by acceding to the treaty of Utrecht, now remain-ed with France. Soon after this were exchanged the rati-fications of the treaty between Great Britain and Spain;
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by which it was stipulated, that the *Asiento* contract for supplying the Spanish colonies with negroes should be granted to England for the term of thirty years; that no part of the Spanish West Indies should ever be alienated from the crown of Spain to France or any other nation. Gibraltar and Minorca were ceded for ever to England: Sicily was yielded to the duke of Savoy, but to revert to Spain in case of a failure of the line of Savoy. The Catalans were to receive a *pardon* on submission, and to enjoy the privileges of the inhabitants of the Castiles—*i. e.* in other words, they were to be divested of their own free constitution, which they prized far more highly.

The war in the north of Europe still continued, much to the disadvantage of Sweden. The king of Denmark, who had long courted the favors of Fortune in vain, at length succeeded in the siege of Stade, and in the subsequent reduction of the duchy of Bremen, and contiguous principality of Verden. In the mean time the czar invaded Finland with a great force, and reduced the whole province, with Abo its capital. And count Steenbock the Swedish general, who had long maintained his ground in Pomerania with great courage and ability, sustained a grievous reverse of fortune, and was compelled to surrender with his whole army prisoners of war—an event which struck the Swedish nation with general consternation. After several years' residence in Bender, the king of Sweden received orders from the Porte to quit the Ottoman territory; the grand seignor undertaking to procure him a safe passage to his own dominions: but with an obstinacy and rashness bordering upon insanity he refused compliance, and fortified himself in the house where he resided. But this being carried after sustaining a regular assault, the king himself was made a prisoner and conveyed to Adrianople; the Swedes who had accompanied him to Turkey being for the most part sold for slaves. After a variety of romantic adventures, the
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king of Sweden returned to his own kingdom, there to involve himself and his subjects in new dangers and new difficulties.

Towards the conclusion of the present year, 1713, the ascendancy acquired by lord Bolingbroke in the cabinet began plainly to appear; and the resignation of the lord-treasurer was the public theme of conversation. This added much to the fears and apprehensions of the whigs—Lord Bolingbroke being accounted the author of all the most obnoxious and violent measures lately adopted. At the end of December the queen was seized with a severe fit of the gout, from which she recovered very slowly and imperfectly. The public funds fell prodigiously, and there followed a great run upon the bank; but, the queen declaring in a letter to the lord-mayor her intention to open the parliament in person on the 16th of February, 1714, the alarm subsided. On the day prefixed the new parliament accordingly met, being opened, notwithstanding the preceding intimation, by commission; and sir Thomas Hanmer was chosen speaker without opposition. But on the 2d of March the queen went to the house of lords, and delivered a popular speech, in which she took occasion to remark, “that there were some who had arrived at that height of malice as to insinuate that the protestant succession in the house of Hanover was in danger under her government. Those,” said she, “who go about thus to distract the minds of men with imaginary dangers, can only mean to disturb the present tranquillity, and bring real mischief upon us.” This declaration was much better received by the commons, who differed little from the complexion of their immediate predecessors, than the peers, where the whigs were so numerous and powerful. The grand question being brought forward by the earl of Wharton, whether the protestant succession was in danger under the present administration; a very warm debate of many hours continuance ensued. And the lord-treasurer Oxford, laying
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his hand upon his heart, declared “ that he had on so many occasions given such signal proofs of his affection to the protestant succession, that he was confident no member of that august assembly could ever mean to call it in question.” The protestant succession was at length voted out of danger by a small majority, the numbers being seventy-six against sixty-four. Upon this occasion the earl of Anglesey, who had the reputation of being at the head of the *Trimmers*, with various others of that sagacious CORPS divided with the whigs : and the most probable reason why so many of this class voted the protestant succession to be in danger, was their firm persuasion that it was perfectly safe, and would speedily take place.

The earl of Wharton then moved, that an address should be presented to the queen, to issue a proclamation promising a reward to any person who should apprehend the pretender dead or alive. To which lord Trevor very humanely and properly proposed to add, “ in case of his landing or attempting to land in Great Britain or Ireland.” To the motion thus mitigated and modified the house agreed ; and, on its being presented to the queen, she replied in the following terms : “ My lords, it would be a real strengthening to the succession in the house of Hanover, as well as a support to my government, that an end were put to those groundless fears and jealousies which have been so industriously promoted. I do not at this time see any occasion for such a proclamation : whenever I judge it to be necessary, I shall give my orders for having it issued.”

The next step which the never-ceasing jealousy of the whigs led them to adopt, was to persuade the court of Hellenhausen, after much reluctant hesitation indeed, to order baron Schutz to demand of the chancellor a writ for the electoral prince as duke of Cambridge, with a view to his residence in England, in direct contradiction to the sentiments and policy they had so strenuously defended in the early part of the present reign. It was now the turn of the
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tories to oppose ; and though it was impossible to deny the writ, the queen expressed, in a letter to the princess Sophia, her disapprobation of the design in terms so pointed and forcible, that it was thought expedient to lay it aside. Her majesty not only stated her surprise that an attempt should be made so derogatory from her dignity and royal authority, but *her determination to oppose it, however fatal the consequences might be.* And the earl of Oxford in a letter to baron Wassenær, April 1714, after declaring his unalterable and devoted attachment to the interests of the electoral family, informs him *in confidence*, that one thing only can prejudice the succession in that serene house ; which is, the endeavor to bring them or any of them over without the queen's consent. In order to prove the sincerity of his professions, the lord-treasurer had in the course of the present session offered to Schutz the option of an act empowering the electress to name all the *Regents*, to the exclusion of the great officers of state ; which it would have been the grossest folly to have proposed, had any real design been harbored inimical to the succession. But the whig leaders treated the offer as artful and insidious, saying, that he only wanted an opportunity of tampering with the Act of Succession. Though the conduct of the elector was very indiscreet in regard to the two important points of the war and the writ demanded for the electoral prince ; yet was it upon the whole cautious, temperate and judicious. It appears that the heads of the whig party entertained at times schemes and projects highly romantic and extravagant ; and that they had in particular a plan in contemplation, for the elector to convey himself to England at the head of a body of Hanoverian troops—and if the states-general refused to provide ships for the purpose, it was suggested that they might be had from the king of Denmark. Of this proposition the elector declared his total disapprobation—and Robethon, in his dispatches to England, treats the whole plan as dangerous, absurd and impracticable.

The earl of Oxford was not ignorant of these machinations—as a public proof of which, he moved in the house of peers a Bill “for the further security of the Protestant Succession,” making it high treason to bring foreign troops into the kingdom. But it was forcibly objected, that a law against bringing troops into Great Britain to support the cause of the pretender was unnecessary; since such troops, if foreigners, might be treated as enemies—if natives, might be punished as rebels: and the Bill was silently dropped.

It was a great object with the elector to procure a royal *appanage* for his mother the electress, who complained that she had as yet gained nothing by the English succession but some sheets of parchment. Mr. Thomas Harley, when at Hanover, had flattered the electoral court that the lord-treasurer would contribute to this with all his power, acknowledging that nothing could be more just—yet it was never mentioned in parliament by either tories or whigs. On the contrary, the latter were very earnest and importunate in their applications for money to the elector, who parted with it, as may well be imagined, very reluctantly. And when it was proposed to him to advance a large sum to secure a majority of members at the last general election, he absolutely and very properly refused, saying, “that the court would always have the heaviest purse—That the nation must exert itself, for that he could not save them against their will.” The death of the electress taking place at this period; the elector of Brunswic was, by an order of the court, prayed for by name in all churches and chapels throughout England, as presumptive heir to the English crown.

In May, a bill to prevent the growth of schism was introduced, by which dissenters were, under very severe penalties, prohibited from all interference in the business of education. “For though,” according to the observation of lord

lord Bolingbroke, who was the chief adviser and defender of this, as of all the more daring violent measures of the present administration, “the evil *effect* was perhaps without remedy, and therefore entitled to some indulgence; the evil *cause* ought to be prevented, and was entitled to none.” Notwithstanding the utmost efforts of the whigs, who were inflamed with a just indignation at this atrocious invasion of the natural rights of mankind, this detestable bill passed through the house of commons by a very great majority, viz. 237 against 126 voices. It was then carried by sir William Wyndham, the original mover of it, up to the house of lords, where it excited one of the most violent and memorable debates which had occurred since the Revolution. The conduct of lord Bolingbroke upon this occasion clearly demonstrated, that the unprincipled effrontery of infidelity may produce effects nearly similar to, and full as fatal as, the most bigoted and furious fanaticism. This nobleman, on the first reading of the Bill, declared it to be of the last importance, since it concerned the security of the church of England, the best and firmest support of the monarchy—both which all good men, and more especially the members of that august assembly, who derive their lustre from and are nearest the throne, ought to have most at heart: and he concluded with moving that it be read a second time. The motion was opposed by the lords Cowper, Wharton, Halifax, Townshend, Nottingham, &c. It is a singular fact, that both the great leaders of the present administration, Oxford and Bolingbroke, were educated in the principles of nonconformity; and in allusion to this circumstance the earl of Wharton expressed his surprise to see men brought up in the bosom of the dissent become the most zealous champions of the church—and those who had been indebted for their great acquirements to the seminaries described in the bill, most forward for the suppression of them. “It was melancholy,”

his lordship said, "that at a time when the nation was menaced with the dangers of popery and slavery, a bill should be introduced tending to create divisions amongst protestants, to weaken their interest, and to hasten their ruin. This would indeed be wonderful, did we not know the madness of those statesmen who had devised and now stood forward as the supporters of the present bill. To any other description of persons it would seem preposterous to style that schism in England which is the established religion of Scotland!—The counterpart of the measure was still wanting; and he expected the Scottish peers in the house would move for another bill to prevent the growth of schism in their own country. Precedents and authorities had been cited in favor of the present measure, but there was one authority of the highest weight which had not yet been mentioned. He acknowledged that it would have come with most force and propriety (turning round to the bishops) from that venerable bench; but since their lordships had been wholly silent in this debate, he would himself tell them, that it was the rule of the gospel to do unto others as we would be done unto." The earl of Nottingham, whose attachment to the church no one would venture to call in question, owned, "he had formerly been of opinion that the occasional conformity of dissenters was dangerous to the established church, and therefore he had ever promoted the bill to prevent it; but that, the church having now that security, he believed her safe and out of danger, and therefore he thought himself in conscience obliged to oppose so barbarous a law as this." The lord treasurer, agreeably to his weak, wavering, and mysterious policy, contented himself with saying, "that he had not yet considered of the bill, but when he had he would vote according as it appeared to him to be either for the good or detriment of the country: he declared
therefore

therefore for the second reading." But in the subsequent stages of the bill he absented himself from the house. A petition from the dissenters to be heard by counsel against the bill was rejected by seventy-two voices against sixty-six. In the progress of the business a clause was inserted, extending the operation of the bill to Ireland, though the duke of Shrewsbury, lord lieutenant of the kingdom, declared strongly against it, by a majority of fifty-seven to fifty-one voices. And the general and final question, that the bill do now pass, was carried by seventy-seven to seventy-two voices. The royal assent was given, on the 25th of June, to the Schism Act, which was to take effect on the first of August following. But, in the destined course of events, on that very day a reverse of fortune fatal to the authors of this infamous bill took place—the dynasty of the Stuarts came to its termination, and "the last spark of that direful house went out."

Not to anticipate too far, it is sufficient to say, that this was the ultimate triumph of the tory party, many of whom were undoubtedly disposed to have gone far greater lengths. But the queen's constitution was now so entirely broken, that it was evident she approached towards the conclusion of her life; and the ministers of the crown, in the alarming prospect of her dissolution, thought of little else than their private interests and personal safety. Oxford and Bolingbroke were now so exasperated against each other, that they could not abstain from the most indecent and bitter altercation, even in the presence of the queen. On the 8th of June the earl of Oxford presented a memorial to the queen, containing a recapitulation of the principal events of his administration—vindicating his own conduct, and reflecting with great acrimony upon that of his antagonist—whom he charged with endeavoring to enlist a separate party for himself in the house of commons from the beginning of February, 1711. And in his usual obscure and mysterious language, he declares, "that the transactions

transactions which passed during his long confinement and absence from business from the attempt of Guiscard were too black to mention." But this remonstrance made no impression upon the mind of the queen, who was now entirely alienated from the lord-treasurer, whose ascendancy over her had for some years been unshaken and absolute. Not a single measure however was adopted at this critical period by the confidential ministers of the crown, from which it could be inferred that they entertained designs inimical to the protestant succession. On the contrary, attempts having been made to enlist men for the service of the pretender; a proclamation was immediately issued, promising a reward of 5000*l.* for apprehending the pretender whenever he should land, or attempt to land, in Great Britain or Ireland. Both houses voted an address of thanks for this proclamation; and the commons, as a farther and demonstrative proof of their attachment to the protestant succession, assured her majesty, "that they would out of the first aids grant the sum of 100,000*l.* as a farther reward to any who shall perform so great a service to her majesty and her kingdoms; and also that they would heartily concur with her majesty in all other measures for extinguishing the hopes of the pretender, and all his open and secret abettors." And this address was presented to the queen by the whole house. At the same time, lord Bolingbroke himself brought in a bill, denouncing the penalties of high treason against those who should enlist or be enlisted in the pretender's service. On the 9th of July the session was terminated by a speech from the throne, in which the queen affirmed, "that her chief concern was to preserve the protestant religion, the liberty of her subjects, and the tranquillity of the kingdom."

On the 27th of July, 1714, the earl of Oxford, who in the presence of the queen had thrown out an impotent
menace

menace "to leave some persons as low as he found them," was unexpectedly divested of the staff of treasurer : and Bolingbroke found himself elevated to the summit of power by the sudden and total fall of his rival. This splendid pre-eminence, however, he enjoyed only for a moment. The queen, who was perceived to be extremely agitated from the time of the dismissal of lord Oxford, never recovered her composure of mind ; but, as if altogether exhausted by incessant fatigue, chagrin, and vexation, gradually sank into a kind of lethargy, in which state she remained till Sunday, August 1, 1714, when she expired, in the fiftieth year of her age, and thirteenth of her reign.

Whatever projects Bolingbroke might have in contemplation, they were entirely disconcerted by the firmness and spirit with which the leaders of the whig party acted upon this occasion. A meeting of the privy council being convened when the queen was on the verge of departure ; the dukes of Somerset and Argyll entered the council chamber, without any previous summons, to the astonishment of the majority of the members. But the duke of Shrewsbury arose and thanked them for their readiness to assist the council in that critical juncture. They then took their places ; and it being represented as of the highest importance that the office of lord-treasurer should be immediately filled, the duke of Shrewsbury, already occupying the posts of lord-high-chamberlain, and lord-lieutenant of Ireland, was proposed and unanimously agreed upon as the fittest person for that great trust. The queen's physicians, on examination, assuring the council that her majesty was still sensible ; the chancellor and several other lords were nominated to attend her. On being informed of the recommendation of the privy council, she expressed her entire approbation of it, and, giving with her own hands the treasurer's staff to the duke, charged him " to use it for the

the good of her people." The queen, after an interval of some hours, relapsing into her lethargic state ; the council proceeded by the most vigorous measures to provide for the security of the kingdom. Orders were dispatched to several regiments of horse and dragoons to march towards the metropolis. Directions were giving for equipping a fleet with all expedition. An express was sent off to the elector of Hanover, signifying, that the queen's life was despaired of, and desiring that he would without delay repair to Holland, where he would find a British squadron ready to convoy him to England. Instructions were at the same time dispatched to the earl of Strafford, ambassador at the Hague, to demand from the States the performance of their engagements, as guarantees of the protestant succession : and the heralds at arms were kept in waiting in order to proclaim the new king the instant the throne should become vacant. No symptoms of popular tumult or discontent, much less of opposition, appeared on this great occasion ; and whatever might be intended, it is certain nothing was affected by the late queen and her ministers in favor of the pretender. The death of that princess must, notwithstanding, upon the whole, be regarded as a very reasonable and fortunate event. For, had Bolingbroke been fully established in the post of prime minister, it is impossible to ascertain the extent of the mischief which might eventually have resulted from the union of such uncommon talents with such a total want or disregard of principle.

Of the favorable opinion universally entertained by the English nation respecting the general purity and rectitude of intention which distinguished this last and best of the sovereigns of the house of Stuart, the epithet of the *good queen Anne*, so commonly applied to this princess, is itself a sufficient proof. This *good queen*, however, had imbibed in a very great degree the hereditary prejudices of her family respecting the nature and extent of the regal authority ; and there is reason to believe that the successful resistance

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ance of the nation to the late king James was in her eyes justified only by the attempts made to establish popery upon the ruins of the protestant religion ; to which, in the form exhibiting itself to her perception, as inculcated and professed by the church of England, she entertained a zealous attachment, or rather a blind and bigoted devotion. As her prejudices, civil and religious, precisely coincided with those of the tories, she cherished a strong predilection for that powerful and dangerous faction, in opposition to the whigs, who were considered for the most part as latitudinarians in religion, or at best as cool and lukewarm friends of the church ; and who certainly regarded the particular mode in which the protestant religion was professed as of little importance, when put in competition with the preservation, enlargement, or security of the civil and religious liberties of the kingdom. But however blameable were the maxims and measures of her administration, the queen, individually considered, merits our pity at least as much as our censure. Her partiality for her own family, and her dislike of the house of Hanover, were natural and pardonable. The queen's own political conduct, notwithstanding her high theoretical principles of government, was uniformly regulated by the strictest regard to the laws and liberties of the kingdom, for the welfare of which she entertained even a maternal solicitude. And if ever she indulged the idea of causing the crown at her decease to revert to the hereditary, and doubtless as she imagined the true and rightful, claimant, it was only on conditions which in her opinion would have effectually secured both the protestant religion and the English constitution from the hazard of future violation. In her person the queen was comely and majestic. Her voice was harmonious : she was not deficient in any of the accomplishments of her sex ; and she was a model of relative and domestic virtues. Her disposition was, upon the whole, easy and gentle, though on particular occasions somewhat sullen and resentful ; and she discovered

covered an excessive jealousy of the minutest encroachments upon her authority. Her capacity was extremely limited, but her intentions were always upright and laudable ; and throughout the entire course of her reign, whether under the influence of whigs or torics, she could boast the high and flattering eulogium of a boundless and irresistible popularity.

I N D E X.

The References to the INTRODUCTION are marked with Numerals;—to the
WORK with Figures.

A.

- ABJURATION** act passed, 338.
- Achmet** II. emperor of the Turks, his death, 186.
- Albemarle**, earl of, his high favor at court, 249.
- Alexander** VIII. pope, his accession to the papacy, and death, 82.
- Alicant**, heroic defence of, 472.
- Anne**, queen, her accession to the crown, 343. Her prudent measures, 344.—and great generosity, 346. Declares war against France, 348. Appoints commissioners to treat concerning an union, 349. Her weakness and superstition, 367. Restores the first fruits and tenths to the clergy, 378. Takes the whigs into favor, 379—418. Appoints commissioners a second time to treat of a union, 421. Gives her assent to the Act of Union, 440. Her alienation from the whigs, 455. Speaks in high terms of the revolution, 459. Announces an Act of Grace, 467. Makes an entire change of administration, 480. Creates twelve new peers, 502. Her secret attachment to the pretender, 519. Her illness, death, and character, 535.
- Argyle**, earl of, his ill-advised invasion of Scotland, xxxiv. Defeat and execution, *ib.*
- Asbby** and White, remarkable case of, 401.
- Asbley** Cooper, sir Anthony. Vide *Shaftesbury*, earl of.
- Ashton**, Mr. executed for high treason, 78.
- Asblone**, siege of, raised, 57. A second time besieged, and taken, 60.
- Augsbu**rg, league of, 32. Captured by the elector of Bavaria, 370.
- Augustus**, elector of Saxony, proclaimed king of Poland, 233. Dethroned by Charles XII. king of Sweden, 444. Resumes his crown, 474.

B.

- BADEN**, prince Louis of, his successes in Hungary, 87. Captures Landau, 357. Repulses the French at Friedlinguen, 358,—and at Stolhoffen, 369. His dilatory proceedings on the Moselle, 409. Captures Drusenheim and Haguenau, 410. His death, 448.
- Bank** of England established, 155.
- Barcelona** taken by the French, 230—and by the Austrians, 413.
- Belhaven**, earl of, his celebrated speech against the union, 432.
- Benbow**, admiral, bombards St. Maloes, 127. His heroic courage and death, 368.
- Berwick**, duke of, taken prisoner at Landen, 121. Makes a secret visit to England, 203. His successes in Portugal, 386. Opposes the earl of Galway, 425. Gains the battle of Almanza, 450.
- Binches**, Dr. his impious sermon before the convocation, 349.
- Bleinheim**, victory of, 382.
- Bolingbroke**, viscount. Vide *St. John*, Mr.
- Boschmar**, baron, envoy from Hanover, his indiscreet memorial, 496.

Boufflers,

Boufflers, marshal, his able defence of Namur, 180. Attempts the city of Nimeguen, 354. His resolute defence of Lille, 461. His excellent retreat at Malplaquet, 471.

Brest, unsuccessful attack upon, 163.

Burnet, Dr. made bishop of Sarum, 8. His character, 9. Zealously defends the rights of the church, 20. His pastoral letter burnt, 115. Appointed preceptor to the duke of Gloucester, 249. Declares himself inimical to persecution, but an advocate for penal laws in religion, 284. His speech in vindication of occasional conformity, 374. His speech at the trial of Sacheverel, 379. His strange and absurd prediction, 483.

Byng, sir George, narrowly escapes shipwreck, 452. Defeats a French squadron with the pretender on board, 458.

C.

CABAL administration formed, x.

Cadix, unsuccessful attempt upon, 359.

Copel, lord, one of the lords justices of Ireland, 118—and lord deputy, 177. His death, 211.

Carlowitz, treaty of, 256.

Cartagena (West Indies) taken by the French, 229.

Catinat, marshal, his able conduct in Italy, 86, 104, 124—and Flanders, 226.

Charles II. king of England, his accession and character, ii. His treacherous violation of promise, v. Married to an infant of Portugal, vi. His conversion to popery, x. Publishes a declaration of indulgence, xi. His insidious policy, xvi. His wise and moderate conduct, xxi. Triumphs over the patriots, xxv. Illness and death, *ib.*

Charles II. king of Spain, his resentment against England, 271. His will in favor of the prince of Bavaria, *ib.*—of the archduke Charles, 277—of the duke of Anjou, 302.—His death, *ib.*

Charles XI. king of Sweden, his death, 225.

Charles XII. king of Sweden, mediator of the Treaty of Ryfwick, 225. A powerful confederacy formed against him, 297. Compels the Danes to a separate peace, 298. Gains the battle of Narva, 444. His rapid successes in Poland, *ib.* His arrogant conduct to the emperor, 446. Defeated at Pultowa, 473. Takes refuge in Turkey, 474. Returns to Sweden, 526.

Charles VI. emperor of Germany, nominal king of Spain, arrives in England, 372. Sails under British convoy to Lisbon, *ib.* Conquers Barcelona, 413—and the whole of Catalonia, *ib.*—and Valencia, *ib.* His fatal procrastination, 426. His victory at Saragossa, 484. Proceeds to Madrid, *ib.* Retreats back to Arragon, 485. Elected Emperor of the Romans, 491. His eagerness to continue the war, 502. Refuses to accede to the Treaty of Utrecht, 513. Concludes a separate peace at Al-Rastadt, 526.

Christiern V. king of Denmark, his decease, 297.

Clarendon, earl of, his character, iii. and disgrace, viii.

Clement XI. his accession to the papacy, 306. Recognises the archduke as king of Spain, 464.

Comprehension, Bill of, 20.

Convocation, proceedings of, 22, 324, 366, 380, 421, 467, 488.

Corporation Bill, 147.

Cooper, William, made lord keeper of the great seal, 414. Declared lord chancellor of Great Britain, 441. Resigns his office, 481.

D.

DANBY, earl of, created lord high treasurer, xiv. Impeached of high treason, xix. Created marquis of Carmarthen, 7—and lord president, *ib.*
Created

Created duke of Leeds, 158. His malversations in office, 171. A second time impeached, 173. His arrogant defence, 174. Dismissed from his office, 265.

Darien, settlement of, 266, 291.

Denmark, prince of, joins the prince of Orange at Andover, *liv*. His indolence and incapacity, 37. Declares for, and votes against, the Occasional Conformity Bill, 40. His death and character, 464.

Duiker, viscount, his romantic character, 27. Heroic achievements, 30—and death, 31.

E.

EAST India company, affairs of, 90, 112, 156, 239, 262, 284.

Eugene, prince of Savoy, relieves the fortress of Coni, 86. Captures Carmagnola, *ib*. Gains a complete victory over the Turks at Zenta, 231. His able operations in Lombardy, 327. Gains the battle of Chiari, *ib*. Takes the marshal duc de Villeroy prisoner, 328. Fights a bloody battle against the marshal Vendome at Luzzara, 358. Joins the duke of Marlborough in Germany, 382. Victory at Bleenheim, 383. Engages a second time the duc de Vendome at Cusano, 411. Gains a complete victory at Turin, 427. His unsuccessful attempt on Toulon, 448. Victory at Oudenarde, 459. Captures Lille, 460. Victory at Malplaquet, 471. His successes in Flanders, 483. Makes a visit to England, 502. Captures Quefnoy, 509. Invests Landreci, 510. Abandoned by the English, and consequent disasters, *ib*.

Exclusion, Bill of, *xmii. xxiiv*.

F.

FENWICK, sir John, his Bill of Attainder, 214.

Fletcher, of Saltoun, his declaration respecting the union, 432.

Florus, battle of, 85.

Frederick IV. king of Denmark, joins the confederacy against Charles XII. 297. Attacked in his capital, *ib*. Signs the Treaty of Travendahl, 298. Recommences the war, 474. Reduces the duchies of Bremen and Verden, 526.

G.

GALLAS, count, ambassador from Vienna, his insolent conduct, 495. Forbid the court, *ib*.

Galway, earl of, his disaster at Badajoz, 412. Marches to Madrid, 425. His character, 450. Totally defeated at Almanza, *ib*. His military operations in Portugal, 472. Unjustly censured by the house of lords, 486. Protest of 36 peers in his favor, 487.

Gortroydenberg, conferences of, 482.

Ginckel, general, appointed commander in chief in Ireland, 59. Captures Athlone, 60. Gains the battle of Aghrim, 62. Takes the city of Limerick, 65. Created earl of Athlone, 66. His success at Givet, 207. Commands the allied army in Flanders, 354.

Gloucester, massacre of, 140.

Glocester, duke of, his death, 299.

Godolphin, lord, appointed first lord of the treasury, 72. His character, *ib*. His wife counsel to king William, 251. Protests against the East India Bill, 242. Superfeded in the treasury by Mr. Montague, 248. Reinstated in the treasury, 303. A second time dismissed, 334. Constituted lord high treasurer, 347. His political embarrassments, 396. Corresponds with the court of St. Germaine's, 405. His exertions to accomplish the Treaty of Union, 428—430. His dismissal from office, 481. Unjustly censured by the house of commons, 486. His death, 515.

Gordon,

Gordon, duchess of, her attachment to the pretender, 493.
Grafton, duke of, killed at the siege of Cork, 59.

H.

HALIFAX, marquis of, opposes the Bill of Exclusion, xxv. His character, 8. Appointed lord privy seal, *ib.* Aspires to be head of the whigs, 18. Resigns his office, 45. His political versatility, *ib.*—and death, 151.
Halifax, lord. Vide *Montague*, Mr.
Hamilton, duke of, chosen president of the Scottish convention, 24. His death, 158.
Hamilton, duke of, opposes the Hanoverian succession, 389. His artifice, selfishness, and treachery, 430, 437, 438. Killed in a duel, 512.
Hamilton, general, his violation of faith, 36. Taken prisoner at the Boyne, 56.
Hanover, duchy of, made an electorate of the empire, 105.
Hanover, elector of, assumes the command of the imperial army, 448. His prudent political conduct, 527. His accession to the throne of Great Britain, 536.
Harcourt, marquis of, his able negotiations at Madrid, 269, 301.
Harcourt, sir Simon, made lord chancellor of Great Britain, 481.
Harley, Robert, introduces the Triennial Act, 165. Chosen speaker of the house of commons, 307. A second time chosen speaker, 334. A third time chosen speaker, 361. Made secretary of state, 380. His secret intrigues at court, 441. Dismissed from his office, 448. Constituted chancellor of the exchequer, 481. Stabbed at the council-board by M. Guiscard, 487. Created earl of Oxford and lord treasurer, *ib.* Enters into clandestine negotiations with France, 493. His character, 517—523. His correspondence with the court of Hanover, 529. His mysterious conduct, 532. Dismissed from his office, 535.
Haverham, lord, falls under the censure of the commons, 321. Attacks the lord treasurer Godolphin, 398. Moves an invitation to the princess Sophia, 415.
Hedges, sir Charles, made secretary of state, 304. Dismissed from his office, 334. Reinstated in his secretaryship, 347. A second time dismissed, 441.
Heidelberg, sack of, 123.
Highlanders, general account of, 27.
Holt, sir John, made lord chief justice of England, 8. His resolute conduct, 401.
Hoake, colonel, his negotiations in Scotland, 429.

I.

INNOCENT XI. pope, his political attachments, xxix. Favors the league of Augsburg, 33. His death and character, 82.
Innocent XII. pope, his accession to the papacy, 83. His attachment to the court of St. Germaine's, 234. His death, 306.
Ireland, affairs of, 35, 44, 53, 66, 115, 119, 156, 157, 177, 211, 245—6, 252, 285, 523—6.

J.

JAMES II. king of England, his accession to the throne, xxvi. His excess of indiscretion, xxviii. Grows insolent by prosperity, xxxiv. Dissolves the parliament in anger, xxxv. Pays insidious court to the dissenters, xxxviii. Suspends the penal laws, xxxix. Receives a nuncio from Rome, xl. His tyranny over Scotland, *ib.*—and Ireland, xli. Establishes an illegal court of ecclesiastical commission, xlii. Commits seven bishops to the Tower, xliv. Sends an embassy to Rome, xlviii. His obstinacy and

and political infatuation, lii. His consternation and precipitate retractions, liii. Abandons the metropolis, liv. Abdicates the government, lvi. His letter to the Scottish convention, 24. His abject superstition, 33. Embarks for Ireland, 34. Convenes a parliament, 37. His tyrannical and violent proceedings, 38,—and consequent pusillanimity, 56. Takes refuge a second time in France, *ib.* His royal declaration from St. Germaine's, 106. Eye-witness of the defeat off La Hogue, 109. His second declaration from St. Germaine's, 148. Suspected of conspiring against the life of king William, 203. His bigoted policy, 228. Protests against the treaty of Ryswick, 233. His illness, death, and character, 328.

Jeffries, judge, his detestable barbarities, xxxiii. Committed to the Tower, 15.

Joseph I. emperor of the Romans, his accession and character, 410. His humiliating concessions to the king of Sweden, 445. Effects the conquest of Naples, 449. His death, and its political consequences, 489.

Juan V. king of Portugal, his accession, 450. Adheres to the grand alliance, *ib.*

K.

KENTISH petition, 322.

Killicranky, battle of, 30.

Kydd, captain, executed for piracy, 280.

L.

LANDAU captured by the Germans, 357. Re-captured by the French under M. Tallard, 370. A second time taken by the Imperialists, 386. Again captured by the French under marechal Villars, 525.

Leeds, duke of. Vide *Danby*, earl of.

Leopold, emperor of Germany, his political situation, 32,—and character, 78.

His letter to the king of Poland, 87. Concludes a peace with the Turks at Carlowitz, 256. His intrigues at the court of Madrid, 272,—277.

His disappointments and perplexities, 306. Implores the protection of England, 380. His death, 410.

Limerick, siege of, raised 58. A second time besieged, and taken, 65.

Lisle taken by the allies, 461.

Londonderry, siege of, 43.

Louis XIV. his formidable power, and unprincipled ambition, ix. Projects the subversion of Holland, x. His political intrigues, xvi—xvii. Apprises James II. of his danger, lii. Receives him with generosity, lvii. His usurpations and oppressions, 31. Invades the German empire, 33. His kindness to the Irish exiles, 66. Orders *Te Deum* for the sack of Heidelberg, 123. Detaches the duke of Savoy from the grand alliance, 208. Signs the peace of Ryswick, 235. Accedes to the first treaty of partition, 256. Signs the second treaty of partition, 273. His flagrant violation of faith with England, 302. Recognises the pretender as king of Great Britain, 330. His superstition and barbarity, 388. Makes ineffectual advances towards a pacification, 427. Renews his overtures for peace, 468. Makes a third and final proposition of peace, 480. His elation at the state of parties in England, 494.

Loval, lord, his intrigues in Scotland, 376. Thrown into the Bastille, 378.

Lawther, sir John, made first commissioner of the treasury, 48.

Ludlow, general, proclamation against him, 48.

Luxemburg, marechal, defeats the prince of Waldeck at Fleurus, 85. Captures Namur, 99. Gains the battle of Steinkirk, 101,—and of Landen, 120. Captures Charleroy, 122. His death, 180.

Luzzara, battle of, 358.

MACKAY,

M.

- MACKAY**, general, gains the battle of Killicranky, 30. His heroism at Athlone, 61. Slain at Steinkirk, 102.
- Malplaquet**, victory of, 471.
- Mancheſter**, earl of, his negotiations at Paris, 276, 303, 330. Appointed ſecretary of ſtate, 334.
- Marlborough**, earl of, captures Cork and Kinfale, 59. His gallantry at Walcourt, 82. Diſmiſſed from his offices, 94. His political inſincerity, *ib.* Committed to the Tower, 111. His correſpondence with the court of St. Germaine's, 164. Reſtored in the royal favor, 249. Appointed governor to the duke of Gloceſter, *ib.* Conſtituted commander of the Britiſh auxiliaries and plenipotentiary to the ſtates, 325. Declared captain-general of the Britiſh forces, 344. His able negotiations at the Hague, 345. Advices war with France, 347. His ſucceſſful operations in Flanders, 354. Capture of Liege, 355. His extraordinary eſcape, 356. Created duke of Marlborough, 363. Captures the city of Bonne, &c. 369. His march to the Danube, 380. Victory of Schellenburg, 382. Victory at Blenheim, *ibid.* Its conſequent ſucceſſes, 383—5. Manor of Woodſtock ſettled upon him by parliament, 400. His continued correſpondence with the court of St. Germaine's, 405. His march to the Moſelle, 408. Inveſted with the principality of Mindelheim, 410. Gains the victory of Ramillies, 423. His rapid ſucceſſes in Flanders, 424. His embaſſy to Charles XII. 444. His generous and noble conduct, 458. Victory of Oudenard, 459. Captures the city of Liſſe, 460,—and Tournay, 471. Gains the battle of Malplaquet, *ibid.* Captures Mons, *ibid.* His popularity on the wane, 475. His conqueſts in Flanders, 483. Proſecuted by order of the queen, 486. Appears for the laſt time in Flanders, 489. Captures Bouchaine, 491. Oppoſes the preliminaries of peace, 498. Is diſmiſſed from his employments, 501. His political intrigues, 521.
- Marlborough**, duchefs of, her inſolent conduct, 440. Loſes her influence over the queen, 455. Relinquiſhes her places at court, 486.
- Mary**, queen of England, her acceſſion to the crown, 6. Conſtituted ſole regent, 66. Her character, and diſcreet conduct, 67. Her fortitude and ſpirit, 69. Her wiſe and generous policy, 109. Her illneſs and death, 167.
- Maſbam**, Mrs. becomes a favorite at Court, 442.
- Matureſ**, count, the Ruſſian ambaffador, publicly arreſted, 463.
- Mentz**, ſiege of, 81.
- Meſnager**, M. his ſecret negotiations in England, 494.
- Minerva**, conqueſt of, 463.
- Moleſworth**, Mr. his ſarcaſtic remark on the convocation, 524.
- Molynux**, Mr. his famous pamphlet cenſured by parliament, 244.
- Monmouth**, duke of, his raſh expedition to England, xxii. His death and character, *ib.*
- Monmouth**, earl of, made firſt commiſſioner of the treaſury, 7. His character, *ib.* Diſmiſſed from the treaſury, 48. His intrigues with the court of St. Germaine's, 77, 223. Committed to the Tower, 224. Accedes to the title of Peterborough, *ib.* His exploits in Spain, 413. Accuſes the earl of Galway, 453. Parliamentary enquiry into his conduct, 454.
- Montague**, Mr. conſtituted chancellor of the exchequer, 158. Directs a general recoinage of ſilver, 190. His dextrous operations of finance, 212. Made firſt commiſſioner of the treaſury, 248. Diſmiſſed, and created baron Halifax, 304. Impeached by the houſe of commons, 315. His ſpeech on the danger of the church, 418.
- Montgomery**, ſir James, his eccentric character and conduct, 127—136.
- Muſtapha II.** emperor of the Turks, his acceſſion, 187.

N.

NAMUR captured by the French, 100. Recaptured by king William, 181.
Nottingham, earl of, his character, 7. Appointed secretary of state, *ib.* Dismissed from his office, 150. Reinstated in office, 347. Resigns, 379. His jealousy of the earl of Oxford, 497. Declaims against the preliminaries of peace, 498. Revives the Occasional Conformity Bill, 500.

O.

OCCASIONAL Conformity Bill thrown out by the lords, 364. A second time rejected by the lords, 373. A third time rejected by the lords, 396. A fourth time revived, and passed, 500.

Ormond, duke of, appointed lord lieutenant of Ireland, 348. His unsuccessful attempt on Cadiz, 360. Captures Vigo, *ib.* Appointed captain general of the British forces, 501. His ambiguous conduct, and ultimate defection from the allies, 508.

Orford, earl of. Vide *Russel*, admiral.

Oudenarde, victory of, 459.

Oxford, earl of. Vide *Harley*, Robert.

P.

PEDRO, don, king of Portugal, accedes to the grand alliance, 371. His death, 449.

Peter, czar of Muscovy, captures the city of Asoph, 209. Visits England, 249. Defeated at Narva, 444. His victory at Pultowa, 473. His campaign on the Pruth, 489.

Peterborough, earl of. Vide *Menmouth*, earl of.

Philip V. king of Spain, his accession, 302. His campaign in Lombardy, 358. Lays ineffectual siege to Barcelona, 424. Driven from Madrid, *ib.* A second time compelled to quit Madrid, 484. Renounces his right of succession to France, 512.

Popery, persecuting law against, 282.

Portland, earl of, his advancement at court, 8. Obtains extravagant grants from the king, 191. Appointed ambassador to Paris, 249. Resigns his offices at court, *ib.* Impeached by the commons, 315.

Pretender, his birth li. Assumes the title of king of Great Britain, 329. Attainted by act of parliament, 335. His abortive attempt on Scotland, 457. His letter to queen Anne, 496. Removes to Lorraine, 516.

Pultowa, battle of, 473.

Q

QUEBEC, unsuccessful expedition against, 492.

Quefnoy captured, 509.

R.

RAMILLIES, victory of, 423.

Rastadt, treaty of, 525.

Rights, bill of, 15.

Rocheſter, earl of, appointed lord lieutenant of Ireland, 304. Opposes a war with France, 348. Resigns his office, *ib.* Made president of the council, 481. Death, 487.

Romney, earl of, his advancement to the peerage, 8. Made one of the lords justices of Ireland, 59. Appointed secretary of state, 72. Created lord lieutenant of Ireland, 90. Recalled from his government, 118. Created earl of Romney, 158.

Rooke, sir George, his extraordinary exertions at La Hogue, 108. His successful expedition to Denmark, 297. Takes Gibraltar by a coup-de-main, 337. Engages the French off Malaga, *ibid.* Dismissed from his command, 400.

Rosen, general, his military atrocities, 42.

Russel, lord, attainder of, reversed, 24.

Ruffel, admiral, his victory off La Hogue, 109. Dismissed the service, 113. Restored to the command of the fleet and admiralty, 155. Relieves Barcelona, 162. His masterly naval operations, 207. Created earl of Oxford, 225. Resigns his offices, 264. Impeached by the house of commons, 315. Again made first lord commissioner of the admiralty, 465. Resigns his office, 482.

Rutb, St. M. commander in chief of the French and Irish forces, 61. His vanity and presumption, *ib.* His able conduct at Aghrim, 62—and death, 65.

Ryfwick, treaty of, signed, 235.

S.

SACHEVEREL, doctor, the trial of, 476.

Sancroft, archbishop, committed to the Tower, xliv. Refuses the oaths to king William, 11. Deprived, 12. His death, 166.

Sardinia, conquest of, by sir John Leake, 463.

Sarsfield, general, captures the town of Sligo, 45. His contempt of king James, 56. Relieves Athlone, 58. His successes at Limerick, 59. His able conduct at Athlone, 61,—and at Aghrim, 65. His gallant defence of Limerick, *ibid.*

Savoy, duchess of, her protest against the act of settlement, 319.

Schomberg, duke of, embarks for Ireland, 44. His dilatory operations, *ib.* Killed at the Boyne, 55.

Scotland, affairs of, 24, 126, 176, 194, 211, 250, 466, 284, 291, 350, 351, 388, 428, 458.

Seaton, Mr. of Pitmedden, his speech in favor of the union, 435.

Sebastbury, earl of, a leader of the Presbyterian party, iii. His political views, xiii. Presents the duke of York as a popish recusant, xxiii. Dissertation on his character, lviii.

Sherlock, doctor, submits to take the oaths to government, 78. His theological controversy with South, 246.

Shovel, sir Cloudesley, placed at the head of the admiralty, 120. Bombarbs the town of Calais, 207. Appointed to the chief command of the fleet, 400. Shipwrecked on the rocks of Scilly, 452.

Shrewsbury, earl of, his character, 7. Appointed secretary of state, *ib.* Resigns, 53. Introduces the triennial bill, 114. Again appointed secretary of state, 152. Created duke of Shrewsbury, 158. A second time resigns the seals, 265. Appointed lord chamberlain, *ib.* Resigns his office, 291. Appointed a second time lord chamberlain, 480. Nominated extraordinary to France, 512. Created lord lieutenant of Ireland, 523,—and lord high treasurer of Great Britain, 535.

Smyrna fleet captured, 125.

Sobieski, king of Poland, his death, 232.

Somers, solicitor general, his spirited defence of the convention parliament, 51. Made lord keeper of the great seal, 119—and lord chancellor, 225. His political indecision, 253. Attacked by the Tories, 280, 289. Deprived of the great seal, 290. Impeached of high crimes and misdemeanors, 315. Acquitted, 321. Made lord president of the council, 465. Dismissed, 481.

Sophia, princess, settlement of the crown upon her and her heirs, 318. Her death, 530.

Stanbope, general, supersedes the earl of Galway in Spain, 463. Conquers the island of Minorca, *ib.* Appointed manager at the trial of Sacheverel, 477. Defeats the Spaniards at Almanara, 484. Surprised and captured with his whole army at Brihuega, *ib.*

Staremberg, count, his extraordinary march from Vienna to Turin, 370. Appointed to the command in Spain, 462. Defeats the Spaniards at Saragossa,

- ragoffa*, 484. Fights a doubtful battle at Villa Viciosa, 485. Retires into Catalonia, *ib.*
- St. John*, Mr. made secretary at war, 380. Resigns, 444. Appointed secretary of state, 481. Sent ambassador to Paris, 510. Created viscount Bolingbroke, *ib.* His character, 517. Brings in a Bill against Schism, 539. His quarrel with Oxford, 533.
- Strafford*, earl of, appointed ambassador to Holland, 492. His character, *ib.* His attachment to the house of Hanover, 520.
- Sunderland*, earl of, his character and extensive influence, xxvi. His gross duplicity, li. Excepted from the Bill of Indemnity, 16,—and from the Act of Grace, 52. His secret treachery, 150. Grows into favor at court, *ib.* His extraordinary address, 168—and political pusillanimity, 196. Considered as first minister, 237. Resigns his office in consternation, 238. His contempt of kings, 260. His remarkable counsel to king William, 333. His death, 441.
- Sunderland*, earl of, made secretary of state, 441. Dismissed from his office, 480.
- Sydney*, lord. Vide *Remney*, earl of.

T.

- TALLARD*, M. negotiates the first Treaty of Partition, 240—and the second Treaty, 274. Captures Trier and Traerbach, 358—also Brisac and Landau, 370. Totally defeated at Bleinheim, 382.
- Tennison*, archbishop, his advancement to the primacy, 166.
- Test Act* passed, xiii.
- Tillotson*, archbishop, his death and character, 166.
- Toleration*, Act of, passed, 18.
- Tollemache*, general, his bravery at Athlone, 61. His disastrous expedition to Brest, 163.
- Torrington*, earl of, defeated off Beachy-head, 68. Committed to the Tower, 69. Dismissed the service, *ib.*
- Trenchard*, sir John, made secretary of state, 119. His death, 175.
- Trevor*, sir John, chosen speaker of the house of commons, 48. Expelled the house, 170.
- Trinity*, persecuting Act in defence of, 247.
- Triple alliance* concluded, xiii.
- Townsend*, viscount, appointed ambassador to the Hague, 468. Signs a Barrier Treaty with Holland, 503.
- Trumbull*, sir William, appointed secretary of state, 175. Resigns, 249.
- Turin*, battle of, 101.
- Tyrconnel*, earl of, his treachery, 35.

U. V.

- UNIFORMITY*, Act of, passed, iv.
- Union*, Treaty of, 428.
- Utrecht*, Treaty of, 498, 506, 512.
- Vendôme*, duc de, captures Barcelona, 229. Appointed to the command in Italy, 328. His operations in the Tyrol, &c. 369. Supersedes the duc de Villeroy in Flanders, 425. His able conduct, 447. Defeated at Oudenarde, 459. His vigilant defensive operations, 460.
- Villars*, duc de, captures the town of Friedlinguen, 357. His successes in Germany, 369. His inglorious warfare in the Cevennes, 388. Commands on the Moselle, 424. His able conduct in Germany, 447. Defeated at Malplaquet, 471. His lines forced by the duke of Marlborough, 489. His successes against the allies, 509. Captures the cities of Landau and Friburg, 525.
- Villeroy*, duc de, his unskillful military conduct, 180. Defeated at Chiari, 327. Taken prisoner at Cremona, 328. His entrenchments forced at Tirlemont, 409. Defeated at Ramillies, 423. Superseded by M. Vendôme, 424.